33-1942
The Daily Worker
New York, N. Y.

Murder Negro Soldier ---Then Lie About It

JUL 12 1942

By Ernest Moorer

The murder of a Negro soldier in Flagstaff, Ariz., early yesterday morning was not the only crime against national unity committed by police officers. They also took it on themselves to invent a lurid story of a "riot" to cover up their crime, libel Negro soldiers in general and spread the falsehood throughout the country by misinforming the big press associations, the United Press and the Associated Press.

Exclusive

The Worker learned this by telephoning directly to the executive officer of the Arizona Army post, Capt. R. M. Stanford.

Capt. Stanford was informed that New York newspapers were carrying UP and AP stories which charged that 12 Negro soldiers, armed with two sub-machine guns and a shotgun menaced a restaurant proprietor.

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"They are crazy," Capt. Stanford said. "I can't imagine where they got their information. The nearest AP or UP bureau to this desert camp is in Phoenix, about 300 miles away."

(Press associations habitually rely on the reports of local police officials for news originating in isolated places. In this case the police officers admittedly did the shooting.)

"So far as we are concerned," said Capt. Stanford, "there were no 12 men involved in the affair. There was only one—the man who was shot. So far as we have been able to learn he was shot on the spot by a police officer. Whether the man who did the shooting was a police officer or a sheriff's deputy, we don't know. Major Nichols (Maj. H. C. Nichols, the camp commander) is in Flagstaff now investigating."

Capt. Stanford declined to name the man who was shot or to give details of the case other than to deny the lurid implications of the press association stories. The United Press identified the slain man as Pvt. Jessie Smith.

The press association accounts said that five or six Negro soldiers were absent from the camp without leave and implied that they were drunk.

"So far as we know," said Capt. Stanford, "only one man was AWOL. We think he had been drinking. I certainly would not go so far as to say that he was drunk."

An Editorial

The murder of a Negro soldier and the wounding of two others by civilian police in Flagstaff, Arizona, is a shocking crime against Negro Americans and national unity. The police officials responsible should be brought to justice and given the limit of the law. Military and state leaders should take firm action to see that Negro soldiers have their full and equal rights and that all Jim Crowism in the "army camp towns" is abolished.

D.C.
Kansas City. Call
Kansas City, Mo.

Slaying Was 'Duty'

Arizona Policeman Exonerated In Soldier's Death

JUL 17 1942

FLAGSTAFF, Ariz.—(ANP) — A coroner's jury found Saturday night that an Arizona police officer acted in line of duty, when he shot and killed one of seven Negro soldiers who were armed with two submachine guns and a riot gun

Merrill Schremp, the officer, testified before the jury that one of the soldiers drew a knife when he protested against their actions at an all-night cafe. Apparently angered because they were refused admittance, the sheriff's office reported that the soldiers, six of whom were AWOL, armed themselves and began shooting in the street outside the cafe.

The slain soldier was Pvt. Jesse Smith, 25, formerly of Philadelphia. Names of the other soldiers were not available.

Maj. H. C. Nichols, commander of troops stationed near here on guard duty, said the soldiers all had been drinking. He said he had not learned how they obtained the weapons.

JUL 17 1942

It is known, however, that resentment has been steadily growing among Negro soldiers against widespread discrimination practiced by places of business throughout the section.

33-1942
Washington Post
Washington, D. C

Eklund Admitted Killing Negro D. C. Jail Prisoner Testifies

THE EKLUND GUN

Defendant Shouts Denial

Eklund Admitted Killing Negro, D. C. Jail Prisoner Testifies

The District Court trial of John Eugene Eklund rose yesterday to dramatic heat as a District jail prisoner testified for almost five hours concerning a series of conversations that he said included an admission by Eklund to the Negro killing with which he is charged.

Three times during the day the 27-year-old defendant sprang to his feet to shout protestations and denials at the Government witness, Richard Marvin Harlow, a convicted housebreaker.

At 12:30 p. m. Harlow, who occupied a cell on the same tier with Eklund and often played chess with him, was about to relate further details of Eklund's alleged verbal confession, when the slim, former college student leaped from his chair and shouted:

"This man has been lying since 12 o'clock!"

Justice James W. Morris told Attorney Harry T. Whelan to quiet his client and cautioned against further outbursts.

Under questioning by Assistant United States Attorney Charles B Murray, Harlow said Eklund had attempted to dupe the police into believing a mysterious "sniper" was still at large.

According to Harlow's testimony Eklund had asked him what the effect on his case would be if a man were to shoot a Negro with bullets that bore the same ballistic markings as ones that were found in the body of another man. Harlow said he had answered that it would "confuse" the case.

Eklund then said, it was testified, that he could "arrange it." Harlow went on to relate that Eklund told him where he could find a gun, and that Eklund drew a map of a section of a Baltimore park marking a spot near some shrubbery.

At this point, Eklund jumped from his chair and cried:

"That's ridiculous!"

The prosecution introduced into evidence Thursday a rusted revolver that police testified was unearthed in Baltimore's Preston Gardens Park on information supplied by Harlow.

Anothre part of the scheme, Harlow said, was to send a number of notes to the publisher of The Washington Post. Harlow quoted Eklund as saying that such notes, prepared so that they were identical in form to previous notes to The Post in 1940, could help in impressing police that he was innocent. Eklund was arrested in November of 1940 and charged with the slaying of Hyland McClaine, 17-year-old Negro.

At one point in the testimony, as Harlow paused to recollect part of another conversation between the two, Eklund interjected:

"Why don't you make up your mind? It looks like we're going to have another perjury trial in the last trial."

D.C.

Eklnd was convicted more than a year ago of first-degree murder, but won a new trial on the discovery that a star Government witness had testified falsely.

Seeking to attack Harlow's testimony, Whelan asked the witness in cross-examination whether he was testifying against Eklund so that the court would "go easier" on him when his own case came to trial Harlow admitted this without hesitation.

Washington Post
Washington, D. C

Eklund Faces 6 Years to Life In Prison Cell

John Eugene Eklund was back in District Jail today confronted with a possible maximum sentence of 15 years to life imprisonment.

With the announcement by his attorney, Harry T. Whelan, that yesterday's verdict of second degree murder will not be appealed, it appeared, last, that Washington's sensational sniper case—now more than a year and a half old—was at an end.

Justice James W. Morris, of District Court, announced he would probably pronounce sentence Friday on theconvicted sniper, who escaped from deputy U. S. marshals last Friday night as the jury deliberated his fate, only to be captured Sunday morning by an auxiliary policeman.

Minimum sentence faced by the 27-year-old former college student is six years and eight months to 20 years.

Future Action Uncertain

Whether the Government will prosecute Eklund for three other sniper slayings which terrified Washington's Negro population in 1940 depends on the severity of the sentence, said United States Attorney Edward M. Curran. Whether he will be tried for staging the dramatic escape in Friday night's rainstorm likewise is dependent on the sentence, he added.

Denouement of the sniper case came when Eklund was returned to District Court yesterday morning to hear the jury's verdict.

As he was led to the courtroom, handcuffed to a deputy marshal, a reporter asked him how he felt after his two-day "leave."

Feels "Foolish'

"I kind of feel foolish this morning," replied the young man, calmly.

Inside, where every seat was taken, Eklund lost his composure somewhat. So did Justice Morris, whose hands shook as he tore open the sealed verdict, glanced at its contents and ordered it read aloud by Court Clerk Jane Menendez.

Eklund merely squirmed when he heard the verdict but his mother, Mrs. Sadie Eklund, seated in the second row, wept audibly.

Attorney Whelan immediately requested that the jury be polled on the verdict. To the clerk's question: "What say you to the defendant, John Eugene Eklund?" every juror answered:

"Guilty of murder in the second degree."

Weeping Mother Waves

As her son was led from the courtroom, the weeping Mrs. Eklund waved at him. Eklund looked at her briefly and smiled. Justice Morris thanked the jury for its "arduous service," and the room was cleared 10 minutes after Eklund had been led in at 10:20.

Asked why police had not been allowed to question Eklund immediately after his capture Sunday, Curran said he had ordered secrecy because he "wasn't taking any chances." With Eklund's attorney absent, Curran explained, there was the possibility a new trial could be won on a charge that Eklund had been subjected to a "third degree."

Case Sets Precedent

The agreement between Justice Morris and the attorneys to order a sealed verdict is without precedent in cases involving the death penalty, according to Assistant United States Attorney John W. Fihelly and Charles B. Murray, who prosecuted the case. During one trial in the District Court several years ago, Murray said, the case went on in spite of the absence of the defendant. But under statute the prisoner must be present during the reading of the verdict. Had the verdict been returned while Eklund was at large, it was pointed out, the youth would have been at liberty to react to the verdict as he saw fit.

Whelan Issues Statement

Immediately after court adjourned yesterday, Mr. Whelan issued a stateemnt referring to the fact that the use of a dictaphone to record conversations between Eklund and his former counsel had been mentioned several times during the trial.

"Now that this verdict has been returned," he said, "I feel free to say that Capt. Robert J. Barrett (assistant chief of the Detective Bureau) and the present administration of the Police Department had nothing whatever to do with this violation of the confidential relationship that should be permitted to exist between an attorney and a person accused of a crime. The dictaphone apparatus was not set up in a precinct, but at headquarters.

Peoples Voice
New York, N. Y.

Washington "Sniper" Convicted

WASHINGTON, (PV Bureau)—John Eugene Eklund, (white) 25-year-old admitted "sniper" slayer of five Negro Washingtonians, was found guilty of second degree murder July 13 by a US District Court jury.

Eklund, a former college student, faces a sentence of 20 years to life in the penitentiary.

The announcement of the verdict was rendered shortly after 10 o'clock in the morning, and the verdict now terminates a case that has had Washington puzzled for quite sometime.

The "sniper" escaped Friday evening from a United States marshal's van in front of the District jail, and for 36 hours was being hunted by the District of Columbia and eight states, all members of the local police force as well as 50 soldiers.

He was caught Sunday by an auxiliary policeman, Carl Goetzinger, and now another puzzle is yet unsolved—politics.

The captive escaped with his hands manacled, and according to his own testimony, he pounded at the handcuffs with two stones in the woods, near Glenn Echo, Md., finally snapping the links.

With his hands free, he then filed off the cuffs, but where he got the file and hacksaw is yet unexplained.

Another unexplained part of the capture was that Eklund, when captured, had $20.04 in money, a watch and a fountain pen with his name on it.

The conviction found him guilty specifically of the murder of Hylan G. McClaine, 17, on October 15, 1940, the last of the five persons slain from ambush over a three-month period.

The jury was made up of seven men and five women, and this was the second time Eklund had been on trial for the slaying.

After winning several stays of execution, he was finally granted a new trial on March 25 of this year, when it was discovered that one of the government's witnesses had perjured himself.

The second trial opened June 24, and for six days thereafter the proceedings were devoted entirely to the selection of a jury.

Journal and Guide
Norfolk, Virginia

Maniac Killer Found Guilty After Escape

Captured, Slayer Of Five Learns Verdict Of Jury

WASHINGTON, D. C.—A District Court jury found John Eugene Eklund, white, 25-year-old "sniper" killer, guilty of second-degree murder in the slaying of Hyland McClaine on the night of October 15, 1940. The verdict was returned by the jury last Saturday, but was sealed by Justice James W. Morris pending the recapture of the killer.

STRANGE ESCAPE

Eklund made a spectacular and mysterious escape when he was returned from District Court to the jail about 10:30 o'clock last Friday night.

As the rear door of the marshal's van was opened by Robert J. Schmidt, a deputy marshal, Eklund bolted from the van past Schmidt and C. W. Carlson, a former District policeman, and made his dash for freedom.

At the time Eklund was handcuffed. The two deputies who failed to prevent his flight were unarmed. A heavy downpour aided him to vanish into the night.

He was recaptured Sunday morning by a police rookie and an auxiliary cop after a day and a half of liberty. It appears that at about 9 o'clock Sunday morning he wakled into a delicatessen at 6337 Georgia Avenue, N. W.

Ordering or serving himself to five packs of nickel cookies, one of cigarettes and two root beers, he remained for two hours, going in and out of a telephone booth to make various telephone calls.

RECOGNIZES FUGITIVE

Shortly before 11 o'clock, Carl E. Goetzzinger, an auxiliary policeman, dropped into the delicatessen and recognized Eklund. As the latter stepped out of the store after telling the proprietor he would be back, the auxiliary cop asked him his name.

Eklund told him he was a newspaper reporter without divulging his name.

CAPTURED BY ROOKIE

The auxiliary cop followed him, picking up Nathan Z. Ephrian, a police rookie of No. 6 Precinct and the two confronted the fugitive again. Eklund readily admitted his identity. At the time of his capture he had $20.04 in his pockets.

His story is that he ran only about a block after he had bolted from the van, hailed a taxicab in the rain, paid the driver with a dollar without his manacled hands being noticed and transferred to a street car bound for an amusement park.

Near the amusement park he said he beat for five hours on his handcuffs with a rock, and then filed off the remainder with a hacksaw.

PUZZLING SITUATION

Still unanswered are the questions how he found the hacksaw, how the conductor and cab driver failed to notice his manacled hands, how he happened to have $20.04 on him when arersted, and who received the mysterious telephone calls he made from the delicatessen.

Eklund escaped while the jury trying him for first-degree murder was deliberating. Justice Morris received the sealed verdict from them at 12:28 p. m., last Saturday. The jury began deliberating the case Friday afternoon and returned during the evening to announce a deadlock. Justice Morris then ordered it locked up in a hotel for the night.

The jury was brought back to the courthouse Saturday morning and locked in the jury room to continue deliberations. The members knew nothing of the escape.

TRIED ESCAPE BEFORE

It was revealed that Eklund had made a previous attempt to escape from the District Jail. E. A. Green, superintendent of the jail, said that on July 3, 1941, a guard caught Eklund trying to saw through the bars of his cell.

The instrument which he used had been smuggled into the jail, Mr. Green said. The jail superintendent said that Eklund had boasted that he would escape.

MANIAC SNIPER

Eklund had been tried for the murder of McClaine, who was shot from behind on the night of October 15, 1940, as he walked with his girl friend in Foggy Bottom, on Riverside Drive near the K Street bridge. The slaying was one of a series which, police said, were carried out by a maniac sniper. All of the victims were colored.

JUL 18 1942

Washington Post
Washington, D; C.

Second Trial Now Possible For 'Sniper'

JAN 14 1942

Disclosure that a Government witness testified falsely during the trial of John E. Eklund, convicted last year for the slaying of a 17-year-old Negro youth, yesterday raised the possibility of a second trial in District Court for the 26-year-old "sniper."

Legal machinery to seek the new trial has already been put in motion in the United States Court of Appeals by Defense Counsel Harry T. Whelan, as a result of a chain of developments stemming from a 4 to 12 year jail sentence given to Herbert Ray on Friday for housebreaking.

JAN 14 1942

Ray was a principal witness against Eklund, when the former college student was convicted for the fatal shooting of Hylan McClaine, and asserted on the stand at that time that he had no criminal record and had never used any other name than Herbert Ray.

When Ray was arrested on the recent housebreaking charge, however, a check of fingerprint records revealed that he had served a term in the Federal penitentiary at Leavenworth for forgery and housebreaking in 1923 under the name of Luther Ray.

Confronted with these records last week, Ray still claimed to be innocent of any police record, but finally admitted to being Luther Ray under grilling by the United States attorney's office. He was confronted by his estranged wife, a Virginia waitress, during the questioning.

JAN 14 1942

Informed of these developments, Attorney Whelan is now preparing a motion asking the United States Court of Appeals to send the case back to District Court so that a new trial may be asked from that tribunal.

He has already asked the Court of Appeals to postpone for 30 days any decision on action now pending there in Eklund's behalf, in order to give him time to file the new motion. Whelan also praised the action of Prosecutors John W. Fihelly and Charles B. Murray in bringing the new development to his attention.

JAN 14 1942

Ray testified at the trial, after he had told prosecutors and the Court that he had never been arrested, that he had purchased bullets for Eklund, had carried on transactions for the purchase of a gun for him, and had been present when Eklund secreted a gun in some shrubbery near the old Washington Airport.

However, the fact that he has a criminal record, and testified falsely concerning it, is alleged to severely damage his credibility as a witness.

Eklund was originally slated for electrocution this Friday, but had the date set ahead until March 20 in order to allow the appelate court to rule on the motions already before it. These ask a new trial on grounds that police used a dictaphone to hear conversations between Eklund and his attorney, also charging that the jury was improperly permitted to hear evidence about other crimes which he was alleged to have committed.

Washington Post
Washington, D; C.

Eklund Wins Execution Stay, Witness Jailed

JAN 10 1942

John E. Eklund, 26-year-old "lone sniper" who was to die in the electric chair Friday, received a two-months' stay of execution from Justice F. Dickinson Letts in District Court yesterday, while in the same courtroom one of the principal Government witnesses against him at his trial was given a jail sentence of 4 to 12 years.

Eklund's death date was set ahead until March 20, at the request of Defense Attorney Harry Whalen, in order to allow time for the Court of Appeals to hear his case. He has been convicted of the fatal shooting of Hylan McClaine, 17, in October of 1940, but is now seeking a new trial.

The Government witness, Herbert Ray, was jailed on charges of housebreaking and larceny. At the Eklund trial, he testified that he bought some bullets for the defendant and that he had been present when Eklund hid a gun in some bushes near the old Washington Airport.

It was not clear yesterday what effect Ray's imprisonment would have on the appelate court proceedings, but it was indicated that the action might point the way for a possible new trial by casting a shadow on the man's competency as a witness.

JAN 10 1942

Eklund has already demanded a second trial on other grounds, and this is the action pending before the Court of Appeals. He is contending that police violated his constitutional rights by using a dictaphone to listen in on conversations between his counsel and himself, and that the jury which convicted him was allowed to hear evidence involving other offenses of which he was accused, though trying him only for McClaine's death.

Washington Post
Washington, D; C.

Eklund's Retrial Plea Studied

Justice James M. Proctor yesterday took under advisement at District Court the question of whether John E. Eklund, 27-year-old convicted "sniper" slayer, will be granted a new trial because a Government witness against him allegedly committed perjury on the stand.

MAR 16 1942

Defense Attorney Harry T. Whalen and Assistant United States Attorney John W. Fihelly presented arguments on the motion for retrial to the jurist. Eklund is now scheduled to die in the electric chair Friday, but this sentence would be cancelled should the new trial be granted.

Chicago Defender
Chicago, Illinois

'SNIPER'S' CASE BROUGHT BACK IN COURT

MAR 21 1942

New Evidence May Get Another Trial For White Killer

WASHINGTON, D. C.—By remanding to the District court the case of John E. Eklund, 27, convicted white "sniper" slayer, sentenced to die on March 20, for killing a colored lad, 17, the United States Court of Appeals last week paved the way for a possible new trial for the former college student.

The return of the "sniper's" case to the District Court came as a result of new evidence, discovered when a 4 to 12 year prison sentence was given by the court to Herbert Ray for housebreaking and larceny.

It was discovered at that time that Ray, also white and the principal government witness against Eklund, had a criminal record, though he had sworn on the witness stand during the trial that he had never been arrested.

Youth's Friend Accused

Eklund's attorney contends that he should receive a new trial on the grounds that it was Ray's now impeached testimony which brought about Eklund's conviction for the shooting of Hylan G. McClaine, on October 15, 1940.

McClaine was escorting his friend, Miss Mildred Washington, 17, to her home after she had attended a dance when fatally shot from ambush. She identified Eklund as the man who killed McClaine and fired at her as she fled.

The white man is also under indictment for having shot in the back of the head two elderly colored men as they chatted on a beach in front of the home of one.

Motion for a new trial is expected to be filed within a few days.

Washington Post
Washington, D; C

Eklund Given Another Trial In Killing Case

MAR 25 1942

A jury's verdict that condemned John E. Eklund to the electric chair as the mysterious "sniper' who terrorized Washington's Negro population in the autumn of 1940 was set aside at District Court yesterday and a new trial ordered.

Justice James M. Proctor awarded the new trial t othe 27-year-old one-time college student on the grounds of newly discovered evidence offered by defense counsel Harry T. Whalen.

The new evidence was the discovery that a star prosecution witness, Herbert Ray, had committed perjury during the murder trial in swearing that he had no criminal record and had never gone by any other name.

MAR 26 1942

When Ray was sentenced here recently on a housebreaking charge, a fingerprint checkup revealed that he had served a term in Leavenworth Penitentiary for forgery and housebreaking under the name of Luther Ray. He admitted to this only after intensive grilling by United States Attorney John W. Fihelly and Charles B. Murray.

"Had the jury known that he served penitentiary terms for housebreaking and forgeries," Proctor asserted in his ruling, "violated probation by the court, and deliberately perjured himself by denying those facts, the weight of his important testimony might—and likely would—have been seriously damaged."

Eklund was tried and convicted for the slaying of a 17-year-old Negro youth, Hyland McClaine, in October of 1940. Ray's testimony against him included assertions that he had purchased bullets for Eklund smilar to those found in McClaine's body and that he had seen Eklund hide a gun in some bushes near the old Washington airport.

Chicago Defender
Chicago, Illinois

GIVE WITNESS JAIL SENTENCE FOR PERJURY

Boy Slayer Still Faces Two More Murder Indictments

JUN 27 1942

WASHINGTON, D. C.—John Eugene Ecklund, white, 28-year-old former university student and ex-convict, sentenced to die for killing a boy, 17, as well as being indicted for killing two elderly men because he had a grudge against Negroes, went on trial for his life a second time, Monday.

Ecklund, convicted as the 'sniper' who ambushed his victims, thus spreading a reign of terror among local citizens in 1940, won a new trial after it was revealed that Herbert Ray, elderly white man, star prosecution witness had committed perjury.

JUN 27 1942

Friday, Ray was sentenced to from three to nine years on his plea to giving false testimony. Changing his plea of not guilty to guilty, Ray was sentenced by Federal Judge J. Hartigan of Rhode Island who is on a tour and duty here.

Ray's false testimony was that he, Ray, had no previous criminal record, when in fact he did. It was on this sole basis that he was granted a new trial. Should his attorneys win an acquittal for him in the ambush murder of Hyland McClain, 17, he still faces two more first degree murder indictments.

Washington Post
Washington, D; C.

Attorneys Clash Over Dictaphone Angle in Eklund 'Sniper-Slaying' Trial

A heated verbal battle between opposing attorneys ended yesterday's session of the District Court trial of John Eugene Eklund, accused as the "sniper" slayer of Hyland McClaine, 17-year-old Negro, October 15, 1940.

The flare-up was set off when Defense Attorney Harry T. Whelan rose to object to testimony by Capt. Robert J. Barrett, assistant chief of detectives, Metropolitan Police. The detective had been relating circumstances of a search for bullets at a Hot Shoppe in Virginia.

Whelan's protest included a reference to methods used by police in obtaining information from Eklund. At this point, Assistant United States Attorney Charles B. Murray interjected a warning that "if there are to be repeated references of this kind, we will break the evidence wide open and introduce the whole matter—which Mr. Whelan doesn't want in the case."

The reference was to a dictaphone said to have been used to overhear a conversation between Eklund and the attorney who defended him during his first trial.

Justice James W. Morris quieted the excited attorneys and excluded the jury from the room in order to thresh out the controversy.

Whelan contended that Barrett's testimony would involve intimation of information obtained through the dictaphone. To this Murray replied that the prosecution had consented to omit testimony on the dictaphone records, but stated he would not tolerate mere mention in open court.

"Mr. Whelan wants to mention the dictaphone," Murray said, "but wants to stop there, merely to inform the jury of the method used. If he chooses to put his foot in the doorway, we will open the door wide."

Whelan countered with:

"There is no law in the land that wil low the introduction into evidence of a dictaphone conversation between a defendant and his awyer.'

Justice Morris sai dhe would allow the jury to hear Barretts testimony without mention of he dicaphone, and then adjourned court until 10 a. m. this morning.

Among todays witnesses will be a balistics expert, severa police officers, and Marvin Richard Harow, a prisoner whom Eklund befriended over several chess games in jail. The Government claims that Ekund disclosed to Harow a spot in a Baltimore park where he had hidden a pisto. Police later found the gun there.

Testifying yesterday were Mildred Washington Simms, who was with McClaine near the K Street Viaduct when the youth was shot from behind; Charles M. Rahe, a cab driver; Arthur L. Weatherford and Warren W. Dietrich, both friends of Eklund, and Captain Barrett.

Mrs. Simms, a bride of two days, stepped down fro mthe stand early yesterday and placed her hand on Eklund's shoulder signifying her identification of him as the man she saw with a gun immediately following the shooting of McClaine.

Weatherford, who was employed with Eklund at the Hot Shappe, told of a boat trip to an island in the Potomac with two others. Eklund, himself and another of the boys, he said, practiced shooting a revolver at a tree.

A Washington Post clipping relating to the shooting of McClaine—dated on day later—was introduced as evidence and was said to have been found among Eklund's effects in a room in Baltimore.

Washington Post
Washington, D; C.

D. C. Calls 200 More to Get Eklund Jury

With the summer court recess approaching, 200 more veniremen were ordered to appear Monday to assure getting a jury in the District Court trial of John Eugene Eklund, accused as the "sniper slayer" of a 17-year-old Negro.

Since Monday the court has examined 201 prospective jurors. Most of the talesmen were rejected either for pre-formed opinions in the case or scruples regarding the imposition of capital punishment.

Eklund, who was convicted of first degree murder June 6, 1941, but won a new trial, sat pale, though patiently and with apparent interest, as the examination of jurors was repeated over and over again—201 times in four days.

The 27-year-old student is accused of shooting to death Hyland McClaine of 2021 Thirtieth Street Northwest, while the young Negro was walking with his girl friend across the K Street Bridge last October 15. McClaine's death occurred under circumstances similar to those in three other Negro murders, all attributed to a mysterious "sniper" who singled out Negroes for his victims and shot from behind at close range.

Eklund was sentenced to die in the electric chair last year, but the new trial was granted when it was learned that Herbert Ray, a leading Government witness, had committed perjury in testifying under oath that he had no criminal record. Ray had served a term in Leavenworth Penitentiary for forgery and housebreaking under the name of Luther Ray.

Washington Post
Washington, D; C.

Police Auxiliary Frustrates Break 'To Beat a Bum Rap'

Bedraggled Eklund Cautiously Treated Following Capture

By Scott Hart
Post Staff Writer

He was "trying to beat a bum rap."

When they brought John Eugene Eklund into Police Headquarters yesterday he looked like a young fellow who had been on a gay party all night, who had managed to keep his hair from getting mussed up but, withal, was a little cynical and disgusted with the whole thing.

He laughed once or twice—rather he tried to let a smile mature into a laugh, but it seemed as weak as that of a man who's gotten a bad drenching in the rain and doesn't want to look bothered about it at all.

They let him tarry just long enough to determine that he was Eklund, an identification made in staged privacy by United States Attorney Edward M. Curran. Then they whisked him down the third-floor corridor, past the man who sells ice cream, and past the sometime bedlam of the press room.

A little group of policemen trailed after him. He was handcuffed to the left arm of Assistant Chief Deputy United States Marshal Norman L. Bottsford, but, aside from looking a little disgusted, he didn't seem to care.

No Questions Asked

He looked tired in the eyes, but walked strongly along with as much stride as a manacled man can, flapping along in gray baggy trousers to the "bullpen" door. A young man who had long ago gained the public's attention, he was asked if he would consent to pose for the photographers. He decided to oblige.

He didn't know, however, that the United States Attorney had invoked as much secrecy as would surround a new bombsight. The police could not even ask him how and where he had spent the past two evenings, or of how he got the handcuffs off his wrists or of how recently he had shaved, or how he tore the left knee of his trousers.

The police might, reasonably, have wanted to know some other things, too. Apparently aware of this, Eklund flashed a quick, disagreeable look and issued a statement, in mumbled words, to Charles Del Vecchio, Post photographer. Nobody could understand it and several asked as once, "What did you say then, Johnny?"

He replied, loudly, "I was trying to beat a bum rap."

Then he looked off distantly, maybe along the avenues in his mind's eye, to the marshes, the river bank or wherever he had been; somewhere along he had worn the gray trousers he wore through his second trial as "The Sniper." He didn't say where he excursioned in his short, harried liberty, why he chose to stroll with a priceless but ruinous audacity in a city where the scream of every police motorcycle siren must have burned his eardrums like hot wires.

He just stood there then, quite agreeably. Full face? Profile? A photographer's flash failed to work. Eklund almost laughed.

The big elbow of Maj. Edward J. Kelly, chief of police, eased Eklund and Marshal Bottsford, Capt. Robert Barrett, assistant chief of detectives, and Inspector Richard H. Mansfield into the show-up bullpen, adjourning Eklund's public appearances until he appears in court today to hear whether the evidence convicted him as "the sniper" or whether he was found innocent and so fled a jail he shouldn't have been in.

He was taken down a rear elevator and back to the jail, entering the door from before which he fled in the thick rain Friday night.

Throughout his stay at headquarters, about 30 minutes, he probably felt at moments like a football player when all the opposition piles on him. He wouldn't have had a prayer for escape this time. Nobody frowned at him, or pushed him around. They simply hovered over on him, like glad hunters who have brought home a choice bull moose.

Rookie Brings Him In

Private Nathan Ephraim, the Sixth Precinct rookie cop who arrested him, and Carl Goetzinger, 862 Van Buren Street Northwest, the auxiliary cop who spotted him, brought him in. Curran and Kelly awaited him.

"I have said for the umpteenth time that I asked him no questions," said Major Kelly to reporters, later. Eklund left the headquarters, just a bedraggled fellow in unshined tan shoes, a gray suit and white shirt, a suggestion of whiskers and with a story they'll likely work from him today.

Washington Post
Washington, D; C.

Eklund Capture

I wonder if you will be interested in publishing the reaction of a local businessman to your editorial entitled "Eklund Mystery."

To me it seems amazing and unfortunate that you make the Eklund escape and recapture the basis for a general attack on law-enforcement agencies in the District of Columbia.

Particularly unjust is the reflection on the Police Department. Who is to say whether the recapture of an escaped prisoner is to take 38 minutes or 38 hours? What standards can you possibly have employed by which you arrived at your determination that the affaire Eklund smacked of opera bouffe?

That an auxiliary policeman effected the recapture of the alleged sniper in my opinion reflects great credit upon our local police. It gives point to something that many of us have known for a long time—that our Police Department has fully accepted the auxiliary as a valuable asset to local law enforcement and has trained its members both in class and by precept to a high degree of efficiency. I think that Auxiliary Policeman Goetzinger would be the first to admit that the success he achieved was due to this fine training.

It is my considered judgment that our law-enforcement agencies have been doing an unusually fine job under onerous conditions with which every Washingtonian is familiar. I think our Police Department merits praise rather than censure.

ARTHUR MARKEL.

Washington, July 13.

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Washington Post
Washington, D. C.

Hide and Seek Details

Police Hunt Man Who Aided Eklund Following His Escape

'Sniper' Reveals Guard Saw Effort To Break Handcuffs

By John Singerhoff,
Post Staff Writer

Two men were sought as accomplices of John Eugene Eklund last night—the cab driver who sped him away from the Southeast and a Georgetown resident who gave him $20.

Eklund himself implicated his benefactor yesterday when he made a "complete statement" to District Attorney Edward M. Curran.

No details of Eklund's story were released by Curran, who said that to release the facts would hamper the investigation. However, The Post learned Eklund's story from other sources.

Telephoned For Money

The man who a short time before was convicted of second degree murder in connection with the slaying of Hyland McClaine, Negro, told an amazed audience consisting of District police officials, United States Marshal John Colpoys and Judge Curran how he spent Friday night in a woods at Brookmont, Md., at an old estate at Georgia Avenue and Madison Street Northwest.

He disclosed that he telephoned an acquaintance asking for money, but got none until he obtained $20 from "a friend" in Georgetown.

Eklund began his amazing story at the beginning—when he broke away from two deputy marshals at the door of the District Jail at 10:20 o'clock Friday night.

He admitted that the violent storm gave him the idea "to take a chance."

Disregards Cries of "Halt"

"I figured all along it would be second degree," he told reporters in a brief interview yesterday, "but I guess I just grew panicky and suddenly began running.

"It was a dark night and I thought they were trying to put me in the electric chair. I hadn't planned to try to escape, but when I saw the rain and how dark it was, I lunged past the deputies and ran."

He said one of the marshals had him by the arm as he stepped hand-

JOHN EUGENE ECKLUND demonstrates how he used two rocks—one as a cutting edge, the other as a hammer—to cut the chain of the regulation police handcuffs which were on him when he escaped

cuffed from the prison van. He couldn't recall just where the other marshal was.

"I gave my arm a jerk and when I felt I was free I started to run. They ran after me, shouting 'halt,' but I kept going and I could tell by the sound of their shouts that I was outdistancing them," he said.

Eklund stated that he "had all the breaks" in making his getaway, and that the marshals did not deserve to be criticized for negligence.

"They didn't have much of a chance to get me, the way things shaped up. I'm sorry they have been suspended."

He explained that he ran through the driving rain for about three-quarters of a mile before hailing a cruising cab. He told the driver to go to Chevy Chase.

En route, Eklund said, he took a $5 bill from his pocket. (Officials explained that Eklund had the money throughout his trial.)

Holding the bill in his hand the fugitive said he asked the driver how much the fare would be. He was told a dollar, he stated.

He leaned forward and let the bill drop into the front seat, telling the driver to take $1.50.

Without turning around and still driving, the chauffeur handed back the change and dropped it into Eklund's cupped hands which he held at the rear of the driver's seat.

Exonerates Driver

Eklund explained that the darkness and difficult driving conditions kept the cab driver from paying much attention to him.

He told authorities he was unable to describe the cab and that he had never seen the driver before, exonerating the driver from complicity. Police, however, said they intended to find the man for questioning.

About a block from Chevy Chase Circle, Eklund said he dismissed the cab and started to walk. After about an hour he found that he had walked in a circle and was back where he started.

He then walked due West, he asserted, finally coming upon a railroad track. (The rail line is a spur running into Georgetown from Seneca, Md.)

"I just kept walking and I was soaking wet and hungry," he said.

Officer Ignores Handcuffs

Once he stopped to attempt to remove his handcuffs by beating them against the rails but he was forced to move on, he said, by a special policeman patrolling territory around the Washington Aqueduct. The guard did not stop him or attempt to question him, he said.

He left the railroad tracks when they crossed the Glen Echo streetcar line and climbed into the woods in the 6600 block MacArthur Boulevard.

Police took Eklund to the spot yesterday and he showed them how he climbed a steep embankment to a point about 200 yards off the roadway in a section of dense underbrush.

300 Guards at Point

The spot is in the center of United States Government land surrounding the Aqueduct and is patrolled by a police force of 300 men.

Eklund said he hunted for some stones with which to break his bonds and finally managed to snap the link holding the two bracelets together. He held a small stone in his hands, he said, and banged the chain down on another rock.

After he freed his hands, he said the rain had stopped. He stripped off his wet clothing and managed to level a place to sleep out of the underbrush.

The next morning he walked out on MacArthur Boulevard to a small store about a block from the place where he entered the woods. He called "the acquaintance" from there, he said, and asked for $20.

This man it was learned, immediately notified police and a trap was set. It is believed Eklund was walking toward the trap when he was spotted by an auxiliary policeman Sunday morning.

Eklund said he bought some food at the grocery store and returned to his hideout in the woods.

About 6 p. m. Saturday he ventured out again and walked into Georgetown.

Took "An Awful Chance"

"I was taking an wful chance," he told the officers, "but I had to."

In Georgetown, he said, he went to a friend's house and asked for money. He said the man was scared to death and told him he ought to give himself up, but handed him $20.

Eklund continued along M Street Northwest and spent 43 cents for a small file and a hacksaw at an automobile accessory store.

All this time the bracelets, he stated, were securely fastened to his lower arms but concealed by his coat sleeves.

After obtaining the implements with which he hoped to free himself, he said he took a streetcar downtown and transferred to one going out Georgia Avenue Northwest toward Brightwood.

In the meantime, he said, he called his friend several times. The calls, it was learned, were each one traced by police within whom the man was working closely.

Spends Night in Woods

Eklund said he spent Saturday night in the woods at Ninth Street and Concord Avenue Northwest, where he managed to free the bracelets. He used both the file and the hacksaw and worked about five hours to get loose, he said.

He purchased food at grocery stores in Brightwood, he said, and police found empty containers of plums, peanut butter, jelly, the wrapping from a loaf of bread, tomato juice and milk.

Sunday morning he again communicated with his contact from Lone's Tavern on Georgia Avenue where he was first sighted by Auxiliary Policeman Carl Goetzinger.

It was after this telephone call that the trap was set to ensnare the young desperado. Capt. Robert J. Barrett, assistant chief of detectives, was notified by Eklunds' friend and was on his way to Brightwood when Goetzinger and Private Nathan Z. Ephriam, Sixth Precinct, arrested him near Eighth and Peabody Streets Northwest.

Takes Officers Over Route

Eklund unfolded the tale at the conference in District Attorney Curran's office after he had accompanied Capt. Barrett, two deputy marshals and Attorney Harry F. Whelan over the route he covered while at large.

He pointed out to the officers the places where he selpt and helpd them find the stones he used to smash the handcuffs and to recover the empty food tins.

Both Curran and Marshal Colpoys refused to make a statement after the conference.

Colpoys also was questioned by reporters relative to an announcement by Attorney General Francis Biddle that the FBI had been ordered to investigate Eklund's escape.

Biddle announced the escape and said Marshals Carl W. Carlson and Robert J. Schmidt, who had Eklund in custody Friday night, had been suspended.

Biddle Orders Probe

"There have been called to my attention," the Attorney General asserted, "certain statements in this morning's papers attributed to United States Marshal John B. Colpoys, to the effect that deputy marshals in the District of Columbia are not trained in the use of firearms. These statements, coupled with Eklund's escape, call for a thorough investigation, and I have asked Director Hoover to institute it at once."

After telling his sensational story yesterday afternoon, Eklund was returned to the District Jail to await sentence.

Washington Post
Washington, D. C.

Rookie Helps In Capture of 'Sniper' Trial Defendant

Widespread Hunt Ends When Part Time Officer Spots Him in Store

By Roland Nicholson
Post Staff Writer

John Eugene Eklund, the 25-year-old accused "sniper slayer" who gambled a desperate bid for freedom against the possibility

Washington Post
Washington, D. C.

Peculiar Forehead Hairline Eklund's Giveaway, Says Captor

Carl Goetzinger, 36, the man who caught "the sniper," would be a real Metropolitan policeman instead of an auxiliary, if he had his way about it.

He said so yesterday while relating the circumstances which led to the seizure of John Eugene Eklund Sunday and added a little ruefully, "There's no hope for that now."

The age limit for new members of the Police Department is 35, and Goetzinger, who has had seven months' training as a volunteer cop, has a fervent prayer that the ruling could be waived. He will be 37 in December.

Goetzinger said he was going for a "coke" after attending mass at Nativity Catholic Church and noticed Eklund almost the minute he entered Lane's delicatessen at 6337 Georgia Avenue Northwest.

Eklund unconsciously aided the auxiliary by standing beside a pile of newspapers all of which bore his likeness on the front page.

"I saw the resemblance at once," Goetzinger declared. My attention was drawn particularly to the peculiar way his hair grows above his forehead."

Goetzinger left the store, he said, and waited in his car until Eklund emerged. He followed him east on Tuckerman Street until Eklund glanced back and noticed the car. He ducked into an alley and started to run.

The volunteer patrolman continued around the block, he said, picking up Eklund's trail again at Georgia Avenue and Sheridan Street. After seeing the direction Eklund took, he went in search of a policeman.

Goetzinger's remarks refuted earlier reports that the fugitive admitted his identity readily. According to his captor, Eklund demanded to know "what's this all about?" and swore that he was a Navy Yard employe.

Goetzinger received $200 for his work from the District Commissioners yesterday. He said he expects to put the money in war bonds mostly—and more equipment for his auxiliary work.

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of death in the electric chair, was back in jail last night.

He was arrested at 11:15 a. m. yesterday as he walked nonchalantly and unafraid, along Peabody Street Northwest between Seventh and Eighth Streets.

News of his capture came with the same dramatic suddenness that marked his escape late Friday night from a United States marshal's van, in which he had been returned to jail from District Court. There a jury had been debating his guilt or innocence in the fourth and last of a series of "sniper slayings" that shocked Washington in the fall of 1940.

Soon after the court convenes at 10 a. m. today the verdict they reached will become known for the first time.

Spotted by Auxiliary

The rain was coming down in sheets when Eklund bolted from his guards at 10:20 p. m. Friday and set off one of the greatest manhunts in Washington's history. But yesterday the sun shone brightly as Rookie Policeman Nathan Z. Ephraim and 36-year-old Carl E. Goetzinger, an auxiliary policeman, accosted Eklund and asked him if he were the man for whose body the Potomac River even then was being dragged.

"Yes, I am," he replied.

His captors whisked him to the Sixth Precinct where Inspector Richard H. Mansfield was notified that a man who looked like Eklund, and who said that he was Eklund, had been arrested.

While police took him in a patrol wagon to headquarters in the Municipal Building, Mansfield notified Maj. Edward J. Kelly, police superintendent; Capt. Robert S. Barrett of the Detective Bureau, and United States Attorney Edward M. Curran.

Lid Clamped Down

At headquarters, Eklund was rushed into Mansfield's office, simply for positive identification as Major Kelly explained later, and a few minutes later, after Curran had clamped the lid on the whole case and forbidden police to question Eklund on his movements of the past 38 hours, the accused slayer was walked down a corridor to the police line-up and then taken down in a private elevator and sent back to the District Jail.

But before he left, the unperturbed Eklund told reporters:

"I just ran away from a bum rap."

Technically, Eklund still is in the custody of Justice James W. Morris, into whose hands a jury delivered a sealed verdict at 12:23 p. m. Saturday after reporting Friday night, a few minutes before Eklund escaped, that it was hopelessly deadlocked.

It was because of this that Curran forbade questioning of Eklund, and it was because of this, too, that all the details of the accused man's capture, as well as his movements during his brief respite from jail, were withheld, officially, by the police.

Movements Recounted

But as nearly as The Post could reconstruct yesterday's dramatic events, this is what took place:

At 9 a. m., Eklund, described as cleanly shaved and wearing a gray suit, walked into Lane's delicatessen, 6337 Georgia Avenue Northwest. On duty at that time were the proprietor, Aeneas W. Lane, and a clerk, James W. Neal, of 521 Tuckerman Street Northwest.

Lane, a man in his 50's, waited on Eklund, "a nice-looking chap," he recalled later. "He talked very nice, and was very calm," the proprietor said as he explained how Eklund usually waited on himself at times, reaching over the counter for cigarettes and other items.

During the two-hour period he was in the store, Lane said Eklund bought five packages of nickel cookies and cupcakes, one package of cigarettes and two bottles of root beer.

Most of the food was consumed as Eklund, still calm and displaying no evidence whatsoever that he feared arrest, made numerous telephone calls from a booth in the delicatessen.

On two occasions, Lane said, Eklund asked him to change bills so that he could make his calls. He was not certain how many calls he made, but declared there were "a lot of them."

Shortly before 11 a. m., Goetzinger, a press operator for International Business Machines who resides at 862 Van Buren Street Northwest, and a volunteer auxiliary policeman, dropped into the delicatessen, as is his usual Sunday custom, for a soft drink. He had been to 10 a. m. mass at the Nativity Catholic Church only a few blocks away.

The press operator helped himself at the soft drink cooler, located just inside the entrance, and believed he recognized Eklund, whose likeness he had studied closely from available pictures for the past two days. But, being unarmed and not wholly positive that the calm young man making the telephone calls was Eklund, Goetzinger unobtrusively watched him for about 15 minutes.

Poses As Reporter

Then Eklund stepped up to Lane, told him he was expecting a call and told him that when it came to tell the other party that he would be back in 15 minutes.

"What's your name?" Lane asked.

"I'm a reporter from a newspaper," Eklund replied, without giving his name, and walked out of the store. Goetzinger walked out a moment later, Lane said.

Eklund did not return. And there was no telephone call for him, Lane added.

From this point onward neither the movements of Eklund nor those of his captors was exactly clear. Apparently, Eklund went into a drugstore, purchased some soap and razor blades and, somewhere between the delicatessen and the drugstore, Goetzinger notified Policeman Ephraim, a rookie of seven months' experience who is attached to the Sixth Precinct, that he was trailing the accused sniper slayer.

So far as could be learned, the two officers then trailed Eklund until they caught up with him as he walked east on the south side of Peabody Street, just opposite a clump of bushes in an area devoid of houses, and placed him under arrest.

Eklund had $20.04 in his pockets when he was arrested and had gotten rid of the handcuffs which he was said to haev worn when he escaped.

It was reported, without confirmation from police, that Eklund told them he had been hiding out in woods and fields. Certainly, his suit, the same one he wore at his trial, tended to confirm the report. There were other unconfirmed reports that he had spent his holiday at Glen Echo, the nearby amusement resort in Maryland, going there and returning by street car.

There was something of retributive justice in Goetzinger's role in the capture. It was from two United States deputy marshals that Eklund escaped, and Goetzinger's brother, Francis, about 30, has been a deputy marshal for about three years.

Hiding Place Known

At headquarters, following Eklund's capture, Major Kelly said it had been definitely determined that the accused man had not been "harbored" by anybody. He said also that Captain Barrett had been "tipped" Saturday as to where Eklund was staying, and that even had he not been picked up yesterday he eventually would have been nabbed when he returned to his hiding place.

Kelly would not reveal the source of Barrett's tip, but did make it clear that Eklund had not been "hiding out" in the neighborhood of his capture.

As late as 2:30 p. m. yesterday, Eklund's mother had not been notified of his arrest. A reporter was informed that she could not come to the phone because she was "feeling ill," and when the newsman asked if Mrs. Eklund were aware of her son's arrest, the lady who answered the phone became extremely excited and then hung up.

A visit to the third-floor, corner apartment which Mrs. Eklund shares with two other women at 2109 F Street Northwest, was fruitless, the reporter being informed that Mrs. Eklund was not going to be notified of the morning's developments until it was certain that Eklund had been arrested.

It was noticed, incidentally, that the new telephone directory lists the apartment's telephone number in the name of Eklund—but whether as a ringing affirmation of a mother's faith in her son or for other reasons was not apparent.

The 23-year-old Eklund probably will be brought into court this morning to hear the jury's verdict on the charge that he murdered Hyland McClaine, 17-year-old Negro, as he walked along Rock Creek Parkway near Virginia Avenue Northwest on October 15, 1940.

The accused man, a former college student, was convicted of the slaying June 6, 1941, and sentenced to die in the electric chair but won a new trial last March 24 when it developed that a star prosecution witness in his first trial had perjured himself.

Since Eklund's escape, armed soldiers had joined police of the District in a far-flung hunt for the fugitive. A man seen drowning Saturday in the Potomac River immediately gave rise to the belief that it might have been Eklund, and the river was systematically dragged.

A lookout was broadcast over the Eastern seaboard, notifying police in States to the north and south to be on the watch for Eklund on the assumption that he might have hopped aboard a freight train.

Meanwhile the two marshalls, Carl W. Carlson and Robert J. Schmidt, from whom he escaped, had been suspended.

For auxiliary policemen throughout the District, news that Goetzinger had shattered Eklund's quest for liberty was another feather in their collective cap, but for Mrs. Goetzinger, busily wrestling with a leg of lamb at her home yesterday afternoon, it was a decided interference with her Sunday dinner plans.

Goetzinger had gone along to police headquarters with the prisoner, and his wife couldn't seem to find out when he would be home to partake of a bit of the lamb.

She was under the impression that Eklund had his shattered handcuffs on his person when he was arrested, and recalled that on the day before her husband had suggested they get out the car and cruise around.

"I've got a hunch," she quoted him as saying, "that I'm going to catch that fellow."

She laughed, Mrs. Goetzinger said, and told her husband that every available policeman in the city was looking for Eklund and that, besides, they had to save gas.

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D. C.

Eklund Flees Police While 'Sniper' Jury Remains Deadlocked

Last Seen Running Through Downpour With Handcuffs Fastened to Wrists

JUL 11 1942

John Eugene Eklund, 27-year-old accused "sniper slayer," escaped from a United States Marshal's van in front of the District jail shortly after 10:30 last night as he was being returned from the District court where a jury only a short time earlier had reported itself "hopelessly deadlocked" as to his guilt.

His break for freedom came during a downpour, a factor which was believed in his favor.

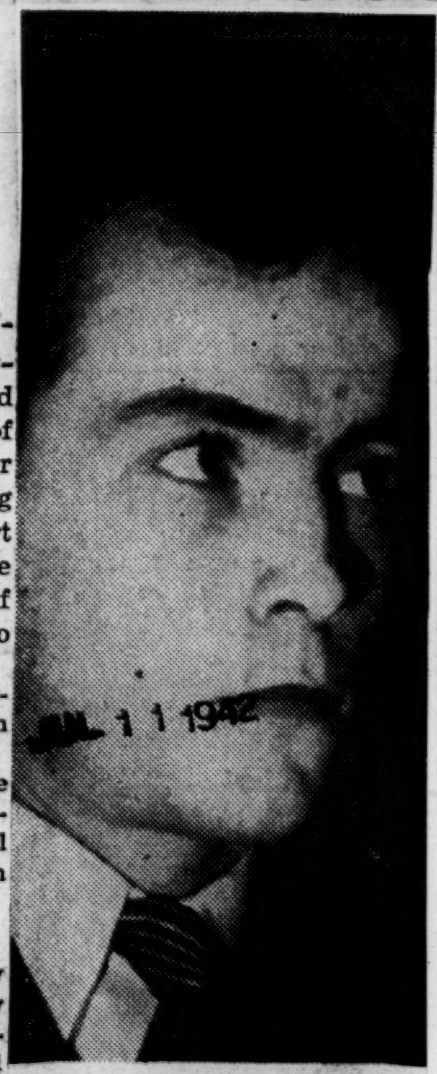
Details on how he escaped were not immediately available but unofficial reports said he was still handcuffed when he leaped from the van.

Return to Hotel

Earlier, at 9:10 p. m., the jury weighing his fate was advised by Justice James W. Morris to reconsider the case after they reported themselves unable to reach a verdict. The jurors were returned to their hotel room for a "good night's rest" before resuming deliberations at 10:15 a. m. today.

The case went to the jury at 4:40 p. m. yesterday. When notified of the jury's deadlock, Justice Morris proceeded to the courtroom from his home, reaching there about 10 p. m. In asking that they reconsider the case, the court said:

"I want it clearly understood that this is not intended to indicate that you should surrender any conviction that you have or to join in a verdict in which you are not in concientious agreement.



JOHN EUGENE EKLUND

JUL 11 1942

Must "Talk It"

"Although the verdict must be the verdict of each, and not mere acquiescence to the opinions of others on the jury, you must submit your opinions candidly to each other.

"There should be a comparison of views and some arguments among the jurors. It cannot be that you should go to the jury room and close your ears to the opinions of the other members of the jury who are equally intelligent."

Pointing out that the trial had taken a considerable length of time, Justice Morris told the jurors if they felt "it would be tedious to deliberate longer tonight, then you will be returned to your hotel to resume your deliberations tomorrow."

This was done after William L. Wheeler, a painter of 125 Sixth Street Southeast, and a member of the jury, remarked that he was tired and had not been well recently. Previously, at the request of another juror, the court had painstakingly clarified the three verdicts which he told them they could return. The possible verdicts:

1. To return a verdict of guilty of first degree murder as charged, which would make the death penalty mandatory.

2. To find the defendant guilty of second degree murder.

3. To acquit him.

Indicted specifically for the slaying of Hyland G. McClaine, 17, one of four Negroes killed during 1940 in a series of shootings, Eklund heard the final day of his trial open with a two-hour summary by Defense Attorney Harry T. Whelan. Whelan argued that Mildred Washington Sims, companion of McClaine when he was shot, had failed to identify Eklund as the gunman and that the prosecution's star witness, Richard Marvin Harlow, Eklund's former jailmate, had testified merely to obtain lenieney for himself in the disposition of charges against him.

In a brief rebuttal, Assistant United States Attorney John W. Fihelly denied he had tried to inject an element of sympathy into the case by bringing out that the victim wore a white rosary around his neck. That was part of the identification, he said.

Shot Through Head

McClaine was shot [illegible] the morning of December 15, 1940, as he walked along Rock Creek Parkway near the K Street viaduct with Mrs. Simms, who at that time was unmarried.

He was shot, as were the other three Negros that year, through the back of the head and at close range. In addition, a bullet also was fired through his back.

All of the shootings at that time were attributed to a mysterious "sniper" and it is, no doubt, as the "snipers slayings" that they will be remembered by Washingtonians in the years to come.

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Police Drag Two Rivers In Search For Eklund

JUL 12 1942

Greatest Manhunt Since Booth Flight Fails to Turn Up Any Tangible Clue

John Eugene Eklund, alleged "sniper" slayer of five Washington Negroes, was still at liberty last night, while the jury's decision in his case remained as much a mystery as his whereabouts.

Justice James W. Morris ordered their verdict sealed pending a ruling on the legality of publishing it with the defendant absent from the courtroom, or until Eklund is apprehended. It was returned at 12:25 p. m. yesterday.

Booth's Escape Recalled

Eklund successfully eluded captors in probably the greatest man hunt since John Wilkes Booth escaped the Nation's Capital after the Lincoln assassination.

Not a single trace of the 25-year-old accused murderer was uncovered throughout the entire day, although in addition to local police, the Coast Guard and a squad of soldiers, law enforcing agents in eight States joined the search.

Last night, after searching parties on city streets and Anacostia River bank swamplands reported no success, it was decided to drag the river from the Benning power plant to a point behind Gallinger Hospital.

Another crew of harbor policemen were dragging the Washington Channel at M Street Southwest, for an unidentified man who drowned yesterday afternoon. A slim possibility that the man may be Eklund spurred the efforts of the officers to recover the body.

Two members of the crew of the steamer Potomac reported the drowning and said the man disappeared under the surface after attempting to grasp the stern of the boat.

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Eddie Miller, 18, a fireman, and Ray Higgins, 24, a bartender, both living aboard, said they first noticed the swimmer thrashing feebly alongside the docked excursion boat.

He appeared to be trying to grasp a hold, but before they could reach him, he drifted away with the tide. By the time they had gotten into a row boat, the man had drowned. He wore no handcuffs, they said.

Clothing on Dock

Police found a bundle of clothing on a small dock about 50 feet from the Potomac's pier. Examination of them, however, disclosed no identification. Besides the clothes, police said, was an empty bottle which had contained a cheap grade of wine.

The clothes consisted of a pair of blue denim work pants, a soiled cotton undershirt and a pair of paint-spotted shoes.

Police Chief Edward J. Kelly and Assistant Chief of Detectives Robert J. Barrett personally questioned the two United States marshals who had Eklund in custody when he broke for freedom at 10:20 p. m. Friday.

Contrary to first reports that said Eklund sped on foot south on Nineteenth Street Southeast toward Congressional Cemetery, it developed yesterday he ran north.

Assisted Escape

JUL 12 1942

This fact was given by Barrett as one reason for the man's escape.

The marshals, Carl W. Carlson and Robert J. Schmidt, told Major Kelly they had driven Eklund from District Court to the Jail at 200 Nineteenth Street Southeast, after the jury which tried him for murder had been locked up for the night.

Schmidt was driving the van, he said, and Carlson was on the front seat beside him. Eklund was riding in the front compartment of the carrier, with both wrists in "double-locked" handcuffs.

The men explained that the van is divided into two parts. A rear compartments opens at the back, while the front "pigeon coop" has a door on the right side.

Describes Flight

When they arrived at the jail they drove up to the front door now located in the new wing on Twentieth Street, Schmidt said.

He had the keys to the side door and proceeded first to unlock a lower compartment which releases a pair of steps. Carlson was standing beside him, he said, when he inserted a key in the door lock.

"After unlocking the door, I stepped aside before turning the handle because sometimes prisoners slam the door in your face and get away," Major Kelly quoted Schmidt.

When he turned the handle, Schmidt continued, Eklund pushed open the door into Carlson's face and "scooted" between the two men.

He fled north on Twentieth Street to B, turned west on B Street to Nineteenth and then north on Nineteenth Street, both marshals declared.

Schmidt said he (Schmidt) tripped in a mudhole during the chase and the last he saw of the fugitive he was running toward a lot on the west side of Nineteenth Street. A path across the lot leads to the front of Eastern High School.

Deputy Left Behind

Carlson was outdistanced by Eklund.

When the alarm was sounded, every available policeman and detective was rushed into the area.

The entire wasteland between the Jail and the Northwest Branch of the Anacostia was searched by officers with high-powered searchlights.

The Coast Guard patrol boats on the Potomac were summoned and patroled the shore; uniformed officers and detectives explored sewer outlets and heating pipe conduits.

Radio alarms were flashed to Maryland, Virginia, Pennsylvania, New York, North and South Carolina and West Virginia.

All the islands in the Anacostia River and Kingman's Lake were covered by policemen as were all boats anchored along the shore.

While posses continued these hunts messages were sent to all railroad companies and trucking outfits to search all trains and trucks which left the city anytime Friday or Saturday and to be on the lookout for any riders.

A plant was stationed at Eklund's former home at 2109 F Street Northwest and along the Upper Potomac River where the suspect once moored a small motor boat he owned.

Chief United States Marshal John Colpoys began an investigation of the escape at 10 a. m. yesterday and he locked his office to newspapermen. The conference continued until 3 p. m. at which time he refused to make any statement.

Eklund is the second prisoner to escape from the custody of marshals in less than a week.

John H. Fretz, accused of grand larceny, broke loose from marshals at District Court last Tuesday and was captured the next day by local policemen.

Two Recent Escapes

Two other prisoners also have broken from police custody recently. A 30-year-old robbery suspect gained his freedom from a Detective Bureau bullpen two weeks ago and is still at large and Wednesday a 17-year-old alleged auto thief broke from his guards in the Traffic Division. He was shot in the legs by Policeman Edward Long who captured him.

Detective Captain Barrett led the search for Eklund until 5 a. m. yesterday at which time he turned command over to Lieuts. Clyde Strange and Aubrey Tolson. Nine carloads of detectives and the entire command of the Fifth and Ninth Precincts were utilized.

Barrett returned to the hunt at 10 a. m.

It is believed Eklund made a thorough study of his guards and their actions in his several trips to and from District Court and the jail during his week-long trial.

Rains Assist Him

Police reasoned that the driving rain and the black night gave him excellent concealment.

It was learned yesterday that Eklund while at the jail kept himself in as near perfect physical condition as possible. He practiced calisthenics, particularly those effecting leg muscles, in his cell and always ran rather than walk when released in the exercise yard, it was disclosed.

Captain Barrett said he also had a pair of rubber gym shoes in his cell.

Eklund made an attempt to escape the jail on July 3 last year, taking advantage of a skeleton guard force on the day before Independence Day.

Two bars in his cell were found sawed through and an extensive search located a hack saw. It has never been determined how he got possession of the blade.

Wide Area Searched

Last night still at work the detective captain reported that "every inch" of territory within 2 miles of the jail and along the river from the Eleventh Street Bridge to above the Benning Power Plant had been covered completely.

Four boatloads of patrolmen from the Harbor Precinct beat the jungles of the islands in Kingman's Lake and explored the swampy shores, he said. Coast Guard boats plowed the Anacostia and Potomac Rivers in the event Eklund attempted to swim away.

Immediately after the escape was made known, Ray L. Huff, superintendent of District Penal Institutions, hurried here from Lorton Reformatory. He brought with him a pair of guards and a bloodhound.

Weather Balks Bloodhound

The dog was not pressed into service, however, because of the blinding rainstorm which is believed to have washed away any scent of the fugitive.

It was the storm that Eklund took advantage of to make his getaway. He had frequently boasted that he would escape and the Marshal's Office and jail guards had been warned by police to use every precaution to hold him.

Detectives connected with the Eklund investigation were not too amazed at his spectacular dash for freedom.

Many of them during the past week have commented on the apparent laxity of the marshals guarding him at the courthouse, both in the court room and the corridors.

Guards Not Armed

Eklund always was in the custody of two United States marshals at the Courthouse. Neither of them was armed and the defendant was not handcuffed while in court.

The 'cuffs were placed on him as he left the courtroom, but he was never handcuffed to his jailors. The Department of Justice does not require that prisoners be handcuffed to their guards. It requires only that prisoners be handcuffed.

Eklund always walked into the courtroom ahead of his guards. The handcuffs would be removed at the door and the defendant then would precede the marshals into the court. Many comments were passed over Eklund's opportunities of flight through the courtroom while his guards were behind him.

It was explained that it is customary for marshals and other jailors to go unarmed to insure against a prisoner overpowering them and obtaining possession of their guns.

Carlson and Schmidt were both without guns, as were all of Eklund's handlers both in transit and at court during the entire trial.

Major Kelly called a conference of Detective Bureau officials yesterday afternoon, at which time Detective Chief Richard H. Mansfield and Barrett were questioned closely over their eorts to apprehend the fugitive.

"I wanted to double check on the activities of all men connected with the hunt," he said.

Later he stated that he was convinced the police have done everything possible to apprehend Eklund. He repeated that all the swamps, elds, sewers and shorelines in Southeast and Northeast had been combed and that every policeman in Washington was on the alert.

Speculation was high last night over Eklund's chances of remaining at liberty.

Telegraph
Macon, Georgia

Negroes Free After Facing Death 9 Years

MAR 10 1942

WEST PALM BEACH, Fla. (AP) — Three Negroes charged with murdering a white man during a holdup won their freedom Monday from the prisons in which they have lived for the past nine years—seven of which they spent in the death house.

The Negroes are Walter Woodward, Jack Williamson and Charley Davis. They were accused of killing Robert Darsey, Pompano, Fla., fish dealer, on May 13, 1933.

They were convicted in three trials and sentenced to die chiefly on the basis of alleged confessions obtained in the Broward county jail at Fort Lauderdale. Monday a directed verdict freed them.

In each previous instance, they won new trials, the third time through intervention of the United States supreme court, which ruled out the confessions in a decision censuring "third-degree methods." MAR 10 1942

Two of the accused men, Williamson and Woodward, desperate from their long legal battle, sought to plead guilty to second degree murder charges Monday—"just to get it over with."

The third Negro, Davis, flatly refused to do likewise.

"I've suffered for nine years over this," he declared. "I still say I'm innocent and I won't say I'm guilty."

Circuit Judge C. E. Chillingworth, after questioning Williamson and Woodward, refused to accept the new pleas.

After a trial lasting less than one day, Judge Chillingworth directed a verdict of innocence, ruling there was insufficient evidence for a conviction.

Officers led them from the courtroom back to the jail so they could pick up their few possessions, and it was indicated they planned to leave West Palm Beach immediately. MAR 1 0 1942

Asked whether he intended to return to Pompano, Davis mumbled that he didn't know what he would do.

"We're going to Georgia as soon as we can," the other two said in reply to the same question.

St. Augustine, Fla., Record
June 17, 1942

SIX LONG YEARS

A CASE which has dragged through the Florida courts for six long years, and twice was carried to the Supreme Court of the United States, ended this week with the death of Clyde Hysler. Hysler went to his death for the robbery-slaying of Mrs. Mayme Surrency at Jacksonville in 1936. He was only 26 years old, when the electric current snuffed out his life, so when he plotted the robbery and murder for which he finally paid with his life, he was only 20 years old.

He wanted money, quickly and easily. He knew about the payroll which John Surrency cashed for employes of the Fruit Growers Express. According to the history of the case, he hired a couple of Negroes to hold up the old man. Hysler was going to provide the brains, the gun and the car for this "perfect crime," but several things went wrong. They usually do, and that is how criminals land behind bars or in the electric chair. Surrency's wife was with him, for one thing. When the Negroes demanded the $2,000 which represented the payroll Surrency was carrying, the old man reached for a gun. The Negroes used Hysler's gun, killing both the man and the woman, and then fled, without the money.

A thousand lessons might be drawn from this story of a young man who threw away everything that makes life worthwhile to follow that will-o-the-wisp — easy money. There is no such money. Dishonest money is the most difficult thing there is to come by. The getting of it ruins character. The keeping and spending of it tend to aid degeneracy, and sooner or later the crime is laid bare.

Hysler's crime was discovered before he ever had a chance to lay his hands on the money for which he sold his soul and lost his life. He had plotted, and caused the death of two people, as well as incited men to highway robbery.

The whole sordid, terrible story was revealed time and again in the courts in Jacksonville. He was convicted first on one count and then another, the first with a recommendation to mercy, and the other without such a recommendation. Then came his long fight to escape the chair. The reprieves were so regular and so constant that many people never believed Hysler would pay with his life for the double slaying. However, finally there came an end to delays. Hysler died Monday in the electric chair, protesting his innocence to the end. It is a sordid, pitiful story. One of the Negroes which Hysler is supposed to have hired died Monday also in the electric chair. The other one made his escape some time ago, and is still at large.

Advertiser
Montgomery, Ala.

Florida Sheriff's Slayer Is Captured By Posse

NOV 15 1942

TALLAHASSEE, FLA., Nov. 14.—(U.P.)—Alfred Snipes, 39-year-old negro charged with killing Sheriff Bob Gatlin of Walton County and beating his deputy, Curtis Miller, was transferred to the Leon County jail here today as a precaution against mob violence.

Snipes was captured last night after evading posses of more than 150 men who scoured North Florida woods and guarded roads for two days. The hunt began shortly after the sheriff and his deputy were found in Snipes' house, where they had gone to search for whisky. NOV 15 1942

A second negro, Alfred Jones, was held in DeFuniak Springs city jail charged with aiding Snipes' escape and burying the pistol allegedly used to kill Gatlin.

Age-Herald
Birmingham, Ala.

TEN POSSES SEEK SLAYING SUSPECT

Nov. 14, 1942

Florida Sheriff Killed While Searching For Whisky

DEFUNIAK SPRINGS, Fla., Nov. 13—(AP)—Ten posses of 15 men each guarded roads and combed the woods of Walton County Friday in systematic search for Alfred Snipes, 39-year-old Negro wanted for killing Sheriff Bob Gatlin and severely beating Curtis Miller, his only deputy.

Director J. J. Gilliam, of the State Department of Public Safety, was assigned by Gov. Holland to direct the search and maintain order, because with Gatlin's death the county had no other officer with countrywide enforcement authority. A successor will be appointed soon.

Gatlin was killed Thursday when he attempted to search Snipes' house for whisky. Miller was beaten at the time, but he appeared to be recovering Friday.

Fifty members of the Florida defense force at Marianna were brought here to guard against any disturbances, but there was no disorder in the county and no indications of any mob violence if Snipes is apprehended.

One Negro suspected of aiding Snipes in flight from arrest was taken into custody and moved to jail in another county.

33-1942
Advertiser
Montgomery, Ala.

Negro Homicide Rate Tops Whites In U. S.

Nov. 22, 1942

In Alabama, as in the Nation as a whole, the negro homicide rate is several times higher than the white rate.

That is emphasized in a State-by-State tabulation of 1940 homicide reports prepared by the Bureau of the Census and made public Friday by the State Department of Health.

In this State there were 6.9 homicides among white people for every 100,000 population, as compared with a rate of 34.4 per 100,000 population for negroes. The white and negro rates for the United States as a whole were 3.1 and 34.3, respectively, per 100,000 population.

In spite of the fact that negroes represent only about 36 per cent of Alabama's total population, the Census Bureau tabulation showed only 128 white homicides in this State during the year, as compared with 338 among negroes. In the United States as a whole there were 3,723 homicides among white people and 4,412 among negroes.

Montgomery Ala. Advertiser
November 22, 1942

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GENERAL

Pursuit Of Democracy

DEC 19 1942

ARMY UNABLE TO PROTECT SOLDIERS IN SOUTH BECAUSE OF INADEQUATE U. S. LAWS

BY MARJORIE McKENZIE

Pittsburgh Courier
Pittsburgh, Pa.

EVENTS seem to combine periodically to reveal the blind spots in our system of jurisprudence. There is a legal maxim which recites, usually in Latin, that the law does not cure small evils. Upon occasion, it does not cure large ones, either, until society demands reform. Considering the frail but dynamic qualities of human beings, perhaps the gaps are unavoidable. Mr. Justice Cardoza apparently thought so and in writing about the inconstancy of society once said: "If a body of law were in existence adequate for the civilization of to-day, it could not meet the demands of to-morrow."

Miss McKenzie

The recent murder of Private Raymond Carr, while at his post on duty as a military policeman, in Alexandria, La., highlights the many killings of Negro soldiers in the South. It also exposes a glaring hole in our body of federal law that ought to be repaired with dispatch by the 78th Congress. This might conceivably be accomplished, since upon occasion white soldiers also are victims.

NO MENTION OF COMBAT SERVICES

After search and inquiry, we find no federal statute which makes the murder of a soldier, sailor or marine, or officer of the Army or Navy, a federal offense. This, of course, expalins why the Department of Justice makes elaborate investigations in these cases which ultimately serve no practical purpose in states that take cognizance of the murder of Negroes in a light-hearted manner, if at all.

DEC 19 1942

THE only federal law we found in point is Title 18, Criminal Code and Criminal Procedure, Section 253, United States Code (1940 Edition) as follows: "Whoever shall kill as defined in Sections 452 and 453 of this title, any United States Marshal or Deputy United States Marshal or person employed to assist a United States Marshal or deputy United States Marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, postoffice inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer, employee, agent, or other person in the service of the customs or of the internal revenue, any immigrant inspector, any officer or employee of the Department of Agriculture or of the Department of Interior designated by the Secretary of Agriculture or by the Secretary of Interior to enforce any act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of Interior; or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 454 of this title."

DEC 19 1942

CIVIL RIGHTS LAW INADEQUATE

Not a word about Army or Navy personnel, officers or enlisted men while on duty—obviously an oversight which may be attributed to the fact that in times of peace, the lawmakers do not think of the numerous exigencies of war.

WE ARE reliably informed that the Civil Rights section of the Criminal Division of the Department of Justice is giving serious consideration to the Alexandria case. This section is operating, in this matter, under a federal statute which defines interference with the civil rights of a person as a misdemeanor carrying a maximum jail sentence of one year and a fine of $1,000. To say that a person who has been murdered has been deprived of his civil rights is a masterpiece of understatement. This civil rights law is all the authority the Attorney General has for action in such a case, which is to say that until Section 253 is amended by Congress, he is hog-tied, except to continue with his skillful investigations.

We also understand that General Richard Donovan, Commander of the Eighth Service Command, has taken a strong stand in the Carr case, demanding action by the Governor of Louisiana and the local police authorities, who have jurisdiction and who are reported to have released Carr's slayer, Dalton McCullon, a state trooper, after one day's suspension. Martial law can be declared, but it would not be retroactive under ex post facto laws, nor make it possible for McCullon to be tried by court martial.

DEC 19 1942

IT IS simple logic to expect that a person engaged voluntarily or involuntarily, in any of the combat services of his country is entitled, especially while on duty, to the fullest protection by his government. If that protection were to include knowledge on the part of southern police officers that the wanton slaying of a Negro soldier is a federal offense, it would become a very real safeguard of life. The Army is highly jealous of its authority, but its prestige has suffered in the South.

FIVE KILLED ON HOME FRONT

Since the beginning of the war, these are some of the Negro soldiers who have been killed, not on foreign battlefields, but in this country: Private Larry Stroud, killed by a city policeman in Columbia, S. C., in November; Private Henry Williams, killed by a bus driver in Mobile, Alabama, in October; Sergeant Thomas B. Foster, killed by a city policeman in Little Rock, Arkansas, in March; and the two Fort Dix, New Jersey murders, both by white military policemen, Private Lawrence J. Hall last summer and Private David Woods this December.

DEC 19 1942

FROM a coldly practical point of view, every life is precious to the war effort. Furthermore, the dignity of the United States armed forces and the respect due their commands are at stake. If the War Department does not take the leadership it should assume in this matter, then we ought to. We suggest that a perfect first assignment for Congressman-elect William H. Dawson would be to introduce a bill covering the necessary remedial legislation.

33 - 1942
Daily World
Atlanta, Georgia

Georgia

Soldier Goes On Trial In Macon Murder, Assault

Macon Branch, NAACP, Offers Defense Aid

SEP 23 1942

Attorney Walden Representing Private Reed

SEP 23 1942

MACON, Ga. (S N S)—Private Edmund Reed, charged with the murder of a city policeman, J. G. Favors, and the wounding of a military officer, Marvin Whitmire, is on trial here in Bibb Superior Court.

Witnesses testifying for the state and defense at the beginning of the trial told corresponding stories to the effect that Private Reed was struggling to escape when he shot the city policeman, but that civilians could have overpowered him without the aid of Favors.

The Macon branch of the National Association for the Advancement of Colored People is defending Reed and has secured the services of Attorney A. T. Walden member of the NAACP's national legal committee, to represent the defendant.

SEP 23 1942

CAPTURED AFTER 27 HOURS

Private Reed was captured following a 27-hour manhunt, one of the most sensational in years. In the Army for five years, he was arrested here August 20 by Military Policeman Whitmire on suspicion of being AWOL.

According to an investigation made by the NAACP, Reed was struck by the MP while the suspect was being held for a patrol wagon to arrive. Reed is said to have thrown up his hands to protect his head.

At this point, Policeman Favors is reported to have rushed up and said: "Turn him over to me."

A crowd is reported to have gathered and threatened the colored soldier. Reed, according to the NAACP report, was then struck on the back of his head, causing a deep gash. He then is said to have grabbed the M. P.'s pistol, shooting the civilian and military officers.

Reed then fled, to escape threats of the crowd, it was reported.

The NAACP stated that there is evidence that other Negro soldiers had been beaten before the attack on Reed.

SEP 23 1942

BUS DRIVERS TESTIFY

Two bus drivers testifying for the defense said Reed was still resisting arrest at the time Favors hit him with a blackjack. Both said they had Reed under control, however, until Favors asked that the soldier be released to him. They said the struggle began anew when they turned Reed over to the civilian officer.

The defense is attempting to show that Reed shot in self-defense as he was being beaten into insensibility by Officer Favors and that the gun was fired while the soldier was not in possession of his full mental faculties. The defense plans to show that Policeman Favors struck Private Reed with a blackjack two ar three times while Reed was being held by the bus drivers.

CLAIM SOLDIER SUBDUED

Bill Crusselle, former professional wrestler and prize fighter and now a bus driver, and Horace Foster, bus driver, both testified for the defense that they had Reed subdued before Officer Favors reached the scene of the shooting at the bus station on the night of August 20.

But both said, however, that Reed was still struggling at the time the city policeman entered the affray.

Crusselle and Foster said they rushed to Military Policeman Marvin Whitmire's aid when they saw Reed try to escape and the MP and Reed fall between two cabs. They said they seized Reed and were pulling him from the MP when Officer Favors returned from the bus station coffee shop, where he had gone to call the police wagon. They stated that Favors told them to turn Reed loose and "let me have him."

Crusselle said he was turning Reed loose when the officer seized the struggling Reed and tapped him two or three times with a blackjack. Foster said he had turned Reed loose, but that Crusselle still had a hand on him when the officer began hitting with the blackjack. Both observed, however, that the blackjack did not stop the struggle and that Reed was able to outrun them after shooting the two officers.

"The minute I turned him loose," Crusselle said on cross-examination, "Reed went to fighting again. Officer Favors tried to get a hand on him, and tapped him—not hard—two or three times with a blackjack. Military Policeman Whitmire was still trying to get up at the time. Reed shot Whitmire and Favors, and then ran at a fast speed through a small door of the bus station. He outran me, and I can run fast.

HIT BEFORE SHOOTING

Foster declared that Officer Favors came from behind Reed and hit the soldier twice before the shot was fired. Favors had reached for Reed and hit him with a blackjack as he asked the two bus drivers to release him.

"The licks on the head didn't seem to faze Reed any, though because he kept right on fighting," Foster added.

The two defense witnesses, as well as state witnesses, agreed that the civilians had Reed overpowered without the assistance of Officer Favors. None of the witnesses said they saw the gun, however.

W. T. Reynolds, of Rhine, Ga., used as a state witness, said he went with the two bus drivers to assist the Military Policeman. He said they had pulled Reed off the MP and "things had sorta quieted down" before the "civilian policeman" arrived. When Favors reached for the soldier, Reed tried to break away from the bus drivers, and Favors tapped him with a blackjack, Reynolds said. About that time the shooting started, he added.

Sergeant Whitmire, the Military Policeman, told his story of the shooting. He had arrested Reed for being out of uniform and absent without leave from Fort Benning. Favors had gone to the bus station to call the wagon. Then, he said, Reed turned on him, swinging his fist at him and jerking to escape. The two fell between two cabs. Whitmire said he felt Reed taking the gun from his holster just before the civilians pulled Reed up.

"I jumped up and went toward Reed to get my pistol, and he shot me, and then shot Officer Favors," Whitmire said. He said he did not see Favors hit Reed.

Deputy Sheriff Oscar Harris recited a story of a jail conversation with Reed. He said Reed claimed Whitmire struck him with his fists, and when he grabbed the MP, the two fell between the cars. The officer quoted Reed as saying he heard two bus drivers saying: "Let's go help the MP kill that Negro," and that somebody hit him on the head. Harris said Reed stated he didn't remember anything after that, but that Reed did not think Favors was the one who hit him.

People's Voice
New York, N. Y.

Macon Soldier Held In Slaying Of Policeman

AUG 23 1942

MACON, Ga.—(S N S)—Private Edmond Reed, former sergeant at Camp Wheeler, was being held in county jail here Saturday night for safe-keeping, following his capture early Saturday morning in a swamp about one mile from here.

Private Reed is charged with fatally wounding City Policeman John Grady Favors and critically wounding a Camp Wheeler military policeman, Sergeant M. W. Whitmire, last Thursday night at a bus station.

Police failed to explain how Private Reed suffered a wounded right leg. Five members of the newly organized auxiliary police who aided in the capture of Reed were quoted as saying: "We all shot him." One of the white men added: "Or maybe none of us."

It was revealed here Saturday that a colored soldier, Corporal Julian Hannible, was injured during a scuffle with officers at the scene of the shooting affray. Hospital attaches said his condition "continued serious with possible concussion."

AUG 23 1942

According to civilian and military officers, Private Reed was AWOL and was wearing only a portion of his Army uniform when questioned at the bus station by Sergeant Whitmire. The police account of the slaying shows that Civilian Policeman Favors offered to hold Reed while the sergeant put in a call for a patrol wagon.

Reed is alleged to have tripped Sergeant Whitmire as he walked away, both falling to the pavement, with Reed taking the sergeant's pistol and shooting both Whitmire and Favors. Reed then fled, according to the report.

Up to the time of his capture, Private Reed had been sought for 27 hours.

AUG 23 1942

More than 30 shots pierced the night air when Reed was first spotted. He is said to have yelled: "MP's don't shoot me."

Following his capture, he was rushed to Macon and hurried to the police station where a large crowd assembled. At first, all except a few officers were expelled from the City Hall. Then, after a few minutes, the crowd was driven across the street.

Afraid of being lynched, Reed is said to have fallen to the floor when carried into the sergeant's office of the City Hall. He refused to get up, crying out: "Get the civilians away from me....Oh God, don't kill me." He continued to lie on the floor while the crowd was routed.

At 12:45 a. m. Saturday morning, Private Reed was removed from the city jail and loaded in a carefully guarded and armed sedan. An armed unit rode with him and an Army jeep preceded while another followed. The crowd dispersed when it was explained that the prisoner was being carried to the county jail.

AUG 23 1942

The men who brought the prisoner from the swamp were grim-faced about the capture when they appeared at the City Hall. Almost all of them were husky individuals.

Reed was reported in possession of an Army gun when spotted in

the swamp. He dropped it when ordered to do so.

Hundreds, of city, county, state and military policemen, with the help of blood hounds, tracked down the hunted man.

Macon's chief of police said Reed has a wife and child residing here.

Reward offerings in connection with the shootings reached a total of $650, of which $500 was offered by the state through Governor Talmadge.

AUG 2 3 1942

An undercurrent of violence which was evident immediately following the shooting in the crowded downtown bus station faded away late Friday night. With the exception of a small quickly improvised fiery cross burning atop Reservoir Hfll, overlooking the city, at 1:45 a. m. Friday, there was no outward demonstration. The inital panic which followed the slaying was quickly dispelled by civilian officers and military policemen who rushed to the scene.

Maj. Thomas Cook, directing the military forces participating in the hunt, declared last night, "speaking officially as provost marshal as well as an aide to the commanding general. want to say that the entire trouble was something that is deeply regretted by the entire Army personnel here. Since Camp Wheeler was built, this is the first major trouble that has arisen between a soldier and civilian authority. The thing that has made this past record possible has been the fine spirit of co-operation of every civilian officer from the Mayor down through all city departments."

Major Tuttle F. Smith, commanding officer of the 16th Battalion, which is composed of seven companies and band, all Negroes, said last night:

"I am particularly proud of soldiers of this battalion for the manner in which they conducted themselves while off the reservation and their spirit of co-operation with MP's and civilian authorities has been of the highest standard."

Major Smith, a reserve officer, is from Fitzgerald, Ga.

Daily World
Atlanta, Ga.

Soldier Accused Of Murder

SEP 1 6 1942

To Be Defended By NAACP

Colonel Walden Appointed To Handle Defense

SEP 1 6 1942

MACON, Ga. (S N S)—Captured after the biggest manhunt in years here, lasting 27 hours, Private Edmond Reed, charged with the murder of a local policeman, will be defended when he goes on trial soon by the Macon branch and the national office of the National Association for the Advancement of Colored People Colonel A. T. Walden, member of the NAACP national legal committee, will handle the Negro soldier's defense.

Private Reed, in the army for five years, was arrested here August 20 by a military policeman, Sgt. M. W. Whitmore, on suspicion of being AWOL. While waiting for the police patrol wagon to come it is claimed that the MP hit the soldier with his fist. Reed is said to have thrown up his hands to protect his head.

At this point a city policeman standing nearby stated: "Turn him over to me."

SEP 1 6 1942

A crowd began to gather threatening the soldier. He was struck a severe blow at the back of the head, leaving a deep gash. He then is said to have grabbed the pistol of the MP and to have shot the city officer, who died, and the MP, who suffered wounds. Reed then ran away from the crowd which was said to have been beating him.

The NAACP stated that there is evidence that other Negro soldiers had been beaten before the attack on Reed.

SEP 1 6 1942

White citizens of Macon, joined by Mayor Charles L. Bowden, formed a mob numbering hundreds which scoured the countryside in search of the soldier.

When Reed was captured, after a 27-hour pursuit, he had a bullet wound in his right leg, which members of the posse refused to explain, and was bleeding from the gash in his head. He was dragged from a small lake near the Southern railroad switchyards.

SEP 1 6 1942

Reed's case was scheduled to go to trial about September 15.

Daily World
Atlanta, Ga.

Sgt. Collier Convicted Of Manslaughter In Commission Of Lawful Act In U. S. Court

SEP 1 8 1942

SEP 1 8 1942

SEP 1 8 1942

COLUMBUS, Ga. (SNS)—Staff Sgt. Chester Collier, Military Policeman who several months ago is alleged to have struck a youth in a local theatre, causing, it is said, the youth's death, was found guilty of "manslaughter in the commission of a lawful act" in a federal court Saturday morning.

United States Judge Bascom S. Deaver, who presided over the case, gave Collier an 18-months sentence to be served on probation. Sgt. Collier was returned to the military authorities at Fort Benning where he is to resume his duties as a soldier.

Sgt. Collier, who has been held in jail since the affair occurred, was recently indicted by the Muscogee County Grand Jury, but under a change of venue his trial was transferred from the Muscogee County Superior Court to the United States District Court where the jury after deliberating for four hours changed the indictment charge to manslaughter.

SEP 1 8 1942

Collier, in his defense plea, claimed that he was breaking up a street disturbance near a local theatre, and after having quelled same he saw a couple of persons in the doorway of the theatre with an Army Military Police gun. Upon approaching them to find out their reason for having same both persons ran into the theatre, one taking the right aisle, the other the left isle.

Amsterdam News
New York, N. Y.

Georgia Killer Gets Reprieve

JAN 3 - 1942

Gov. Talmadge Gives Stay to 5-Times Convicted Man

(Special to Star-News)

AUGUSTA, Ga.—Leroy Morton, the accused slayer of a Jefferson County deputy sheriff, who has been tried, convicted and sentenced to the electric chair five times, will not be electrocuted (as he was scheduled to be) this Friday night. Early this week Governor Talmadge granted him a 30-day reprieve pending an application for executive clemency.

Morton is accused of shooting Deputy L. D. (Buddy) Hubbard to death several years ago during a whiskey still raid about 15 miles from this sity.

At every trial since then, he has been found guilty and sentenced to die in the electric chair. But each time he escaped the death penalty on appeals. His lawyers, W. D. Lanier and Max Rubenstein, are still confident that eventually he will be freed.

In his reprieve order of this week, Governor Talmadge advanced the electrocution date to February 2, 1942.

Chicago Defender
Chicago, Illinois

Man Found Slain Near Wadley, Ga.

JAN 24 1942

WADLEY, Ga.—Clyde W. Smith, 42-year-old grocery store operator, was found dead by two young boys about two miles south of here, Saturday, Jan. 10. A gunshot wound was in the back of his head.

Smith, who resided at Bartow, a nearby station, had not been seen since about 9 o'clock Friday night, when he closed his store after all his help had gone for the night.

The dead man's automobile was about 50 feet from his body which was discovered not far from a road leading through a wooded section near here.

Sheriff Jim Hubbard of Louisville, who with state officers is investigating the death, revealed that Smith was known to have had a large sum of money on his person before leaving the store. No money was found on the body, supporting the belief that robbery was the motive of the fatal shooting, he declared.

JAN 24 1942

Telegraph
Macon, Georgia

Grand Jury Indicts Negress In Death of Colored Officer

FEB 4 - 1942 FEB 4 - 1942

Mattie Mae Baker, Negress, was indicted by the Bibb county grand jury yesterday for the murder of her husband, Buddy Baker, sheriff's colored officer.

FEB 4 - 1942

Several Negroes were indicted for "using an automobile without the owner's consent." The following were charged with using cars belonging to Macon automobile dealers: Mose Jordan, Arthur James Williams, Frank Parker, Seymour Coleman, and Andrew Lee Williams.

True bills were returned against W. G. Griffin and Albert Cornelius for shooting at another, Willie Banks for burglary, Charlie Johnson and Sam Williams for robbery, and Sam Brown for impersonating another.

Telegraph
Macon, Georgia

Superior Court Jury Picked To Try Negress for Murder

FEB 2 - 1942

FEB 25 1942

The Bibb superior court criminal division, a few minutes after completing the trial of Isaac Irwin for murder, went into the trial of Mattie Mae Davis, Negress charged with murdering her common-law husband, Buddy Baker sheriff's Negro officer.

A jury was selected and the court adjourned until Wednesday morning. Solicitor Charles Garrett is prosecuting the case. The Negress will plead self-defense. Her attorney is E. C. Herring.

Advertiser
Montgomery, Ala.

Courthouse News

Coroner's Jury Asks Arrest Of Negro for Murder of Wife

APR 1 - 1942

A coroner's jury yesterday recommended that B. W. [Bumblebee] Hill, Negro, be arrested and held for murder in the slaying of Alice Garner, his common-law wife.

Conorer Laster Chapman said Hill shot Alice and a Negro man, J. B. Moore, on the night of March 22 on Pecan street. Alice died last Saturday. Moore is still being treated for a chest wound.

Sheriff's officers are searching for Hill.

Chicago Defender
Chicago, Illinois

Seek Slayer Of Georgia White Man

APR 4 - 1942

WADLEY, Ga.—Enon Cross, 33, was killed, his brother, Lamar Cross, was wounded critically, and their companion, Frank Lamb, was injured here early Sunday morning, March 22, in a fight between Eliza Gibbons and Maybell Wilkins, and Goodwin Powell.

The Cross brothers and Lamb, all white employes of the Wadley Veneer and Basket company, came to Odel Jenkins' house to buy some whiskey. Powell asked the white men to take the women home in their automobile, and after they refused, there came up an argument and all became involved in a fight. Powell was armed with a knife and the Gibbons woman with an ice pick. The whites were said to have been unarmed.

The women were arrested soon after the fight and are being held in the Jefferson county jail in connection with the murder. Powell, who killed another man several years ago, fled from the scene and has not been apprehended.

Constitution
Atlanta Georgia

Dixon Bound Over in Death Of Clyde Smith

APR 15 1942

First Legal Steps Taken in 'Dream Girl' Case at Louisville.

By ESTEN B. SCREWS.

LOUISVILLE, Ga., April 14.—Marvin Dixon, 38-year-old Wadley plywood mill worker, was bound over to the Jefferson county grand jury on a charge of murder today at a justice court hearing in the shotgun slaying of Clyde Smith, 41-year-old Wadley filling station operator and former Johnson county convict warden, which occurred near Wadley early in January.

The hearing marked one of the first legal steps in the now famed "dream girl" case in which Virginia Smith, eight-year-old daughter of the slain man, told officers her father appeared to her in a vision and accused four men of complicity in his death and robbery the night of last January 9.

Holding of Dixon to the grand jury followed testimony of two of the other three men held, Clifford Salters and Moris Mincey, the latter a Negro, both of whom had turned "state's evidence" and accused Dixon of firing the fatal shot.

APR 15 1942

The fourth man held, Alvin McKenzie, was also placed on the witness stand, but maintained he knew nothing of the crime.

Salters testified the four lured Smith to a country church near Wadley after he had closed his filling station for the night, and that Dixon shot him to death with a shotgun and promised to "cut us in" on $150 taken from the dead man in "payment for keeping our mouths shut."

Testimony of the Negro, Mincey, disclosed that he led officers to a small stream near the church, where a watch identified by Smith's widow as his, had been found.

APR 15 1942

Dixon's attorney announced at the hearing that his client would be able to establish an alibi showing he was at "another place the night of the killing" in the event he is indicted by the grand jury.

Meantime no move has been made for a hearing for either of the other three men in the case.

Telegraph
Macon, Georgia

Midville Man Slain in Row With Negroes

MAR 23 1942

WADLEY, [AP]—Enos Cross, 33, of near Midville, was killed, his brother, Lamar Cross, was wounded critically, and a companion was injured here early Sunday morning in a fight between the three whtie men, two Negro women and a Negro man who still was at large Sunday night, according to Chief of Police W. H. Spell of Wadley

The Cross brothers and Frank Lamb, all employes of the Wadley Veneer and Basket Company, stopped at a roadside store, Chief Spell said, and in a few minutes later became involved in an altercation with the three Negroes, Goodwin Powell, Eliza Gibbons and Maybell Wilkins.

Powell asked the white men to take the Negro women home in their automobile, the officer said, and after they refused all became involved in a fight. The Negro man was armed with a knife and the Gibbons woman with an ice pick, Chief Spell said. The white men were unarmed, he said.

A search for Powell was led Sunday by Sheriff Jim Hubbard of Louisville and State Troopers W. H. Persons and T. A. Smith. The Negro, who killed another Negro several years ago, fled from the scene of Saturday night's slaying, officers said.

MAR 23 1942

The Negro women were arrested soon after the fight and were being held in jail here in connection with the murder.

At an inquest Sunday afternoon, a coroner's jury returned the verdict that Cross came to his death from ice pick and knife wounds inflicted by the Negroes

Lamar Cross, suffering from a punctured lung, was tagen to a Millen hospital. His condition was described as "critical" by attaches.

Lamb suffered a stab wound in the neck but his injury was not serious.

MAR 23 1942

The dead man, a well known resident of the Midville section, is survived by his wife and three small children. funeral arrangements are incomplete.

Telegraph
Macon, Georgia

Negro Freed, Another Held In Slayings

APR 28 1942

Coroner's juries yesterday exonerated a Negro in one slaying,

Daily World
Atlanta, Georgia

Officers Probe "Foul Play" Death Of Man

MAR 23 1942

Jim Brown's Body Found Mutilated In Flint River

Sheriff W. L. Dickson, of Clayton county, and the Georgia Bureau of Investigation Sunday were reported investigating the "foul play" death of Jim Brown, 65-year-old resident of East Point, who was said by his family to have disappeared January 16 and who was found, his body mutilated, late Saturday in the head waters of the Flint river near the municipal airport.

A coroner's jury said late Saturday that Brown's death was due to foul play.

The body, neck and legs broken, skull crushed and chest badly bruised, was found by a white farmer and his sons.

recommended that a Negro be held for murder in another killing, and declared that a third Negro had been slain by person or persons unknown.

A jury summoned by Coroner Lester H. Chapman Monday afternoon stated that Fred Newkirk's slaying of Howard Lee [Bar-C] Miller, Negro, on Stein's Alley Sunday afternoon was justifiable.

B. Huckleberry, Negro, was held in the Bibb county jail on a murder charge upon recommendation of a coroner's jury which Monday morning investigated the death of Eugene Jackson, Negro. Huckleberry claimed self-defense in the stabbing. Jackson was slain on the Georgia Industrial Home road Saturday night.

APR 28 1942

The jury returned a verdict that L. J. Williams, Negro of the Tindall Heights section, came to his death by stabbing at the hands of person or persons unknown. County officers yesterday were investigating the slaying.

Telegraph
Macon, Georgia

Police Study Three Killings In Macon Area

APR 27 1942

Macon and Bibb county officers last night had jailed two men in connection with three killings that occurred here within 24 hours.

Knives and a shotgun were the weapons used in the deaths of three Negroes. Two of the men were almost instantly killed, while the third died a few hours later at a hospital.

Howard Lee [Bar-C] Miller, 27-year-old laborer, was dead when brought to a hospital. He had been wounded in the neck and chest with a shotgun shortly after the noon hour Sunday at 460 Stein's alley, police said, adding that there were 10 witnesses to the killing. Miller lived at 342 Buckner's alley, and the witnesses declared Fred Newkirk, Negro, Stein's alley, held on a charge of loitering, pending coroner's inquest, fired the fatal shots.

County officers are looking for the slayer of L. J. Williams, who lives in the Tindall Heights section outside the city. Williams died in the Macon hospital early gro resort on Moore street around Sunday He was stabbed in a Ne- 3 a.m. yesterday.

APR 27 1942

Eugene Jackson, young Negro, living near the Georgia Industrial Home road, was almost instantly killed Saturday about 10:45 p.m. on the Georgia Industrial Home road. B. Huckleberry, Negro, is booked at the courthouse on a charge of murder, pending an inquest this morning, Deputy Sheriff J. C. Calhoun reported. Both men live near the Industrial Home road. A knife was used. Huckleberry claims self-defense.

Telegraph
Macon, Georgia

Negro Killed By Safety Pin

A safety pin stab in the heart caused the death of Warren Thornton, 55, Negro, 13 Gilmore lane, last night, Coroner Lester H. Chapman said.

JUL 2 1942

The safety pin was a five inch affair such as used by waitresses to pin on their aprons.

At the same time police were holding Ella May Walters, 21, Negro woman, of the same address until the inquest could be held today.

Coroner Chapman said Thornton had been stabbed once in the right front, once in the left front side and once in the back. The left wound penetrated the heart of the man.

At police headquarters the woman said the man had fallen on the pin, while struggling with her. She denied she had anything to do with his death.

According to police, after the man had been fatally wounded, the woman left the house and was caught by two other Negro women, Martha Gordon and Dolores Rollins, who held her until the arrival of police.

The woman was brought to headquarters by Detectives Cliff Bowden and William H. Bargeron. The case was investigated, however, by Police Lieut. A. C. Busbee and Patrolman Leo Deas Junior.

Telegraph
Macon, Georgia

Lunacy Writ Ends Strange Arrest Case

"Sent to the Asylum" was the notation last night that marked the end of one of the strangest chapters in Bibb county annals, when Colonel Dixon, Negro, 30, was declared insane.

Dixon was arrested in Atlanta in October and brought to Macon where sheriff's deputies said he was wanted for implication in the Trice murder case.

Willie Bryant, Negro, is now under sentence of death following his conviction of the Trice murder and robbery. He has been convicted twice after the supreme court once reversed the Bibb court.

Officers have been unable to connect Dixon with Bryant, yet they said they had definite information that led them to believe that Dixon had some connection with the case. Just what this connection was they have not yet revealed. Deputy Sheriff Oscar Harris investigated the case and he has maintained that Dixon was implicated in the murder.

Dixon has been held in jail here on a charge of suspicion of murder since his arrest. His mother, sister and a brother have definitely identified him as being Colonel Dixon yet he has consistently denied that identification, and refused to acknowledge them as relatives of his.

JUL 2 1942

Yesterday his relatives swore to the writ of lunacy and the man was pronounced insane by Dr. C. L. Ridley, jail physician, was sent immediately to the ate asylum in Milledgeville.

Cops Terrorize Macon Negroes

Daily Worker
N.Y., N.Y.

AUG 22 19[illegible]

(Special to the Daily Worker)

MACON, Ga., Aug. 21.—A reign of terror held the entire Negro community here in its grip tonight as the full strength of the city's police force was joined by more than 100 military police from Camp Wheeler in a search for a single Negro.

AUG 22 1942

They said they were seeking an unnamed, unidentified Negro soldier, accused of slaying a city policeman and wounding a military police sergeant.

Investigation showed promptly that bullets that killed J. G. Favors, city policeman, and wounded M. P. Sgt. Marvin Whitemire came from Whitemire's gun, but authorities immediately declared a Negro had jerked the gun from Whitemire's holster and fired. The whole affair smacks of frame-up.

AUG 22 1942

The manhunt and the disturbance that preceded it is surrounded by an atmosphere of deliberate incitement—incitement that fits in patly with the special technique of Negro-white hostility whipped up by Gov. Eugene Talmadge as a direct part of his campaign for re-election to state office.

Afro-American
Baltimore, Maryland

Soldier Kills Ga. Cop, M.P.

OCT 31 1942

MACON, Ga.—A civ[illegible] man and MP were killed recently by a soldier near Cochran Field, a new army camp here.

Many of the men are from Chester, Baltimore, Philadelphia, Harrisburg and nearby areas.

The post is so new that it hasn't its cantee yet and men will be trained as an aviation squadron of non-combatant service. So far there have been drills and work. Firearms will come later.

OCT 31 1942

Men have been receiving lectures and instruction on how to be a good soldier and "get along in the South."

33-1942
Telegraph
Macon, Georgia

Trials Set for All Persons Indicted by Recent Grand Jury

FEB 10 1942

Every person indicted by the Bibb county grand jury during its new term is scheduled for trial in Bibb superior court during the weeks beginning Feb. 17 and 23.

Mattie Mae Davis will be tried next Monday for murder in the death of Buddy Baker, sheriff's Negro officer. She is charged with shooting him to death in a jealous quarrel. The murder trial of Ernest Davis also is scheduled for Monday.

Other cases set for Monday include: Willie Banks, burglary; Charlie Johnson and Sam Williams, robbery; Wallace Harris and Joseph James, auto breaking; Willie Anderson, receiving stolen goods; Olin Alford, larceny after trust, and Sam Brown [of 377 Flanders street], impersonating another.

Scheduled for trial Tuesday are: Joe B. Adams, robbery; W. C. Carr, burglary, and Albert Cornelius and W. G. Griffin, shooting at another.

FEB 10 1942

There will be no court Monday, Feb. 16, since this is Registration day.

Daily World
Atlanta, Georgia

Attempt To Eject Rude Visitor Ends In Murder

FEB 10 1942

Homicides 10 And 11 Recorded By City Police

Names of the 10th and 11th colored homicide victims were written on Atlanta police records Monday morning.

Alarming as the figure appears, the colored homicide total here for 1942 is one behind the total last year this time.

11

There were four week-end deaths caused by violence, but the slaying attracting most attention was that of a 90-year-old woman who was reported stabbed to death by a 60-year-old man.

The aged victim was listed by Policemen F. W. Watson and H. F Brown as Mrs. Caroline Devine, 90, of 351 Mitchell street, SW. Search for the slayer was started immediately after the victim was pronounced dead late Sunday night.

FEB 10 1942

ROW OVER CURSING

Relatives of the dead woman were quoted by investigating officers as saying the wanted man visited the Mitchell street address and started a row after he was asked to refrain from cursing in the presence Mrs. Devine.

Mrs. Devine was reported stabbed in the heart with a knife when she made an effort to assist relatives in ejecting the rude visitor from the house. The body is being held at Hanley's funeral home while Detectives Corley and Harkins continue the investigation.

Dark mystery veiled the Sunday night slaying of a 45-year-old woman, listed on police records as Mrs Maxie Moore, 945 Ashby Grove, SW. Believed shot around 10:30 p. m. Mrs. Moore was found in a puddle of blood in her room about an hour later.

FEB 10 1942

She was pronounced dead on arrival as Grady hospital and her body turned over to Hanley Company.

Policemen F. B. Watson and H. F. Brown reported the arrest of Horace Hammond, 48, of a West Hunter street address, and said they were seeking a second man in connection with the fatal shooting.

Mrs. Paul Donehoo, Fulton county coroner, said she expects to hold an inquest Wednesday.

HEARD ARGUMENT

FEB 10 1942

Other persons in the same house told policemen they heard an argument going on in the room and later heard a shot. After hearing the shot, a listener told police he heard someone walk to the kitchen and a few minutes later heard the front door slam.

The investigating officers quoted John Moreland, 33, of 949 Ashby Grove, SW, as saying he answered a knock at the front door about an hour later and admitted a man unknown to him. He said a light in the victim's room attracted his attention and that he entered the room when he failed to receive any response.

Moreland, according to the officers, said he found the woman lying in a pool of blood.

TWO LISTED SUNDAY NIGHT

FEB 10 1942

Homicides eight and nine which were reported Sunday night listed Willie Hinton, 49, of Mechanic street, NW, and Joe Thomas Johnson, 35, of Emmett street, as victims.

Hinton was shot February 3 and died at Grady hospital Sunday afternoon. Shot by an unidentified man Sunday afternoon, Johnson died before reaching the city hospital.

Constitution
Atlanta, Georgia

Body of Man Found in River Is Identified

MAR 23 1942

Relatives Say Jim Brown, 65, Disappeared on January 16.

The mutilated body of a man found late Saturday in the headwaters of the Flint river near the municipal airport was identified yesterday as Jim Brown, 65-year-old Negro, of East Point, who was said by his family to have disappeared January 16.

Sheriff W. L. Dickson, of Clayton county, said his office and the Georgia Bureau of Investigation are probing the man's death, which a coroner's jury said was due to foul play.

MAR 23 1942

"We know definitely the Negro was alive when placed in the water," said Captain S. W. Roper, of the Georgia Bureau of Investigation, following performance of an autopsy on the body late in the afternoon.

"The clothes had been removed before the body was placed in the water. Apparently the man had been brutally beaten. We have no clues at present, but we have just begun to investigate and will continue the inquiry."

The body, the neck and legs broken, skull crushed and chest badly bruised, was found by a farmer and his sons.

Telegraph
Macon, Georgia

Pair Blame Liquor Theft In Slaying

MAR 25 1942

SOPERTON, March 24.—Sheriff George R. Barwick of Treutlen county, said Tuesday he expected a preliminary hearing would be set shortly for two Treutlen county white men charged with murder in the "hijack" slaying of a Negro, whose decomposed body was found in the Ohoopee river swamp two weeks ago.

The two men, listed by Sheriff Barwick as Alphus Phillips and Allie Holden, are being held in the Emanuel county jail at Swainsboro.

Body of the Negro, identified as Judge Lattimore, was found by a hunter just over the Treutlen county line in Emanuel county, but Sheriff Barwick said his investigation showed the Negro had been slain near Phillips' home and later moved.

Sheriff Barwick said he held a confession signed by Phillips, declaring that he and Holden cut the Negro to death "because he had been stealing liquor from us."

MAR 25 1942

Lattimore had been missing about three weeks when his body was found.

Two other Treutlen county white men, neighbors of Phillips and Holden, were absolved in the slaying by Phillips' confession, Sheriff Barwick said, but are charged with conspiracy to violate the internal revenue liquor laws.

Listed as Delois Scarboro and Paul Brinson, they are at liberty under bonds of $5,000 each, fixed by U. S. Commissioner Jesse Baldwin of Dublin.

Phillips and Holden have employed Judge Will Stallings of Soperton as counsel and he and Solicitor General M. H. Boyer of the Oconee circuit were to confer today on date for the hearing.

Daily World
Atlanta, Georgia

Walden Confident Soldier's Death Penalty Will Be Voided

Attorney A. T. Walden, one of the two lawyers representing Private Edmond Reed, convicted in Macon Tuesday night for the fatal shooting of a city policeman, returned to city Friday and stated that a hearing for a new trial will be conducted in Bibb superior court on October 1[illegible].

Reed was sentenced to die in the electric chair on October 23. Motion for a new trial was filed immediately after sentence was passed.

If the new trial is denied, Attorney Walden said the case will be brought here and presented to the State Supreme Court for a decision.

The Macon branch of the National Association for the Advancement of Colored People is defending the soldier in his fight and employed Attorneys Walden and T. J. Jacobs, Jr., to defend him.

SEP 26 1942

Attorney Walden said he and his associate feel confident the decision will be reversed. He added that during the selection of the trial jury, 20 white men were disqualified because they did not favor capital punishment and at least a dozen were excused because they admitted being prejudiced.

SEP 26 1942

Because of the fine manner in which the case was tried by the defense attorneys, members of the NAACP branch of Macon are more than anxious to continue the fight.

Telegraph
Macon, Georgia
Courthouse News

Prosecutrix Ordered Jailed As Defaulting Witness Here

A prosecutrix was ordered jailed as a defaulting witness by the Bibb grand jury yesterday as it returned nine indictments and one acquittal.

Failing to show up as a witness against Joe Lee Bonner, Negro, charged with assault to murder, Annie Lee Respess, Negress of 406 Mitchell Lane, was arrested following the grand jury hearing as a defaulting witness. The jury was unable to probe into the Bonner case when the woman failed to appear.

The following persons were indicted: Henry Bass and G. N. Snow Jr., burglary; Albert Peavy, assault to murder; John Williams Jr., vice charge; Leonard Mays, shooting at another; John Owens Jr., Brady Wright, Charles Rodgers, and Ernest Scarberry, auto truck larceny.

The jury returned a no bill in the case of Annie Laura Howard, charged with assault to murder.

JUL 16 1942

Telegraph
Macon, Georgia

Reports of Finding Young Negro's Body Are Called Unfounded

COCHRAN, Oct. 9.—Reports that the body of Johnnie Brown, youthful escape, had been found in the Ocmulgee river, were denied here tonight by Sheriff J. D. Padgett. He said he had rumors but had found no one who had seen the body or knew anything about the alleged discovery.

Sheriff Padgett said that an investigation of Brown's escape had disclosed the young Negro had been seen in the Cochran district a week after his escape. An elderly Negro is reported to have seen the boy walking toward Eastman the Saturday following his flight.

The sheriff said he believed the boy had obtained money from his brother to get out of the state. The young Negro is wanted in connection with a stabbing.

OCT 10 1942

Chicago Tribune
Chicago, Illinois

'DON'T KNOW WHY I DID IT,' SLAYER OF 4 DECLARES

Big Feet Help Track Down Fugitive.

Savannah, Ga., Aug. 15 (AP).—"I just don't know, boss. I don't know what possessed me," was the only reason a husky, big footed Negro youth could offer, Detective Chief John C. McCarthy said today, for slaying an aged farm couple and two sons.

The chief said Buster Shaw, 20 years old, signed a written confession to shooting 65 year old George Strickland as he hoed his garden, killing Riley, 13, and Wiley, 9, on a log cabin floor, and chasing Strickland's wife into the woods where he raped and killed her.

AUG 16 1942

Hides During Search.

Shaw said he used a Spanish type .38 caliber pistol, McCarthy said. He hid in an old tobacco barn near the scene of his crime at Nahunta, Ga., for a week while bloodhounds and huge posses scoured the swamplands for a man with a 13 inch foot.

Outsize footprints at the scene of the Aug. 4 slaying were the strongest clew. A Negro turpentine worker named Buster Shaw had feet like that. The posses wanted Buster Shaw, but they didn't find him.

AUG 16 1942

Lacks Draft Card.

The Negro rode a freight train into Savannah two days ago and hitched an automobile ride out that night. A Georgia state guard officer on patrol stopped the car, asked for draft registration cards. They weren't forthcoming, so he packed the two occupants off to the Savannah jail.

There the big [6 foot 1 inch, 190 pound] Negro insisted for hours that he was Harry Smith. But to Detective McCarthy and others he looked like Buster Shaw. Finally he admitted he was and slowly told of the crime.

AUG 16 1942

But he couldn't explain why. Chief McCarthy formally docketed him for four murders, ordered a special guard for his cell.

Daily World
Atlanta, Ga.

SEEK SOLDIER IN SLAYING OF GA. POLICEMAN

MACON, Ga.—(SNS)—A soldie believed to be Edmund Reed was being sought here Friday by city, state, county and military policemen in connection with the fatal shooting of a civilian officer and the wounding of a military policeman at the bus station here Thursday night.

AUG 22 1942

Lieutenant C. Brook, Jr., public relations officer of Camp Wheeler, said officers were regulating traffic and searching automobiles in an area where Reed was believed to have fled.

City Policeman John Grady Favors, 45, died from a pistol wound in the stomach and Sergeant M. W. Whitmire was shot in the lung.

Lieutenant Brooks said Sergeant Whitmire questioned Reed because he was partialy out of uniform. Reed, who did not give his name, said he was on furlough from Fort Benning. He was unable to produce a pass or furlough papers.

AUG 22 1942

Patrolman Favors took charge of Reed while Sergeant Whitmire prepared to call a police car. As Whitmire left, Leiutenant Brooks said, Reed tripped him and in a scuffle that followed, Reed seized the sergeant's gun.

Chief of Police Robert L. Miller said Firday afternoon that Reed had been identified as Edmund Reed, who recently was demoted from sergeant to private at Camp Wheeler and who was waiting transfer to Fort Benning.

AUG 22 1942

The chief said Reed was believed to be armed with the military policeman's pistol.

Peoples Voice
New York, N. Y.

Georgia Posse Shoots Soldier

MACON, Ga.—Pvt. Edmond Reed of the USArmy, charged with the murder of a local policeman, was captured here recently after the biggest manhunt seen in these parts in many years. When Reed was captured after an all-day and nite hunt, he had a bullet wound in one leg and was bleeding from a gash in his head.

Pvt. Reed, who had been in the army for five years, was arrested August 20 by a white MP, Sgt. M. W. Whitmire, on suspicion of being AWOL. While waiting for the police patrol wagon to come, it is claimed, the MP hit the soldier with his fist and Reed is said to have thrown up his hands to protect his head.

At this point a city policeman standing nearby said:

"Turn him over to me."

SEP 19 1942

A crowd began to gather, threatening the soldier. He was struck severe blows, leaving a gash on his head. He then is said to have snatched the MP's pistol and shot the policeman, who later died. Reed then ran away from the crowd, said then to have been beating him.

The local branch of the NAACP will defend the private when he goes to trial this week here. Colonel A. T. Walden, member of NAACP's national legal committee, will handle his defense.

SEP 19 1942

The NAACP stated in a public release that there is evidence that other Negro soldiers had been beaten before the attack on Reed.

White citizens of Macon, joined by Mayor Charles L. Bowden, formed a mob numbering several hundreds and scoured the countryside in search of Reed.

SEP 19 1942

Posse members refused to explain Reed's injuries.

Advertiser
Montgomery, Ala.

Negro Soldier Sought As Slayer In Macon

AUG 22 1942

MACON, GA., Aug. 21.—(AP)—A negro soldier, demoted from sergeant to private and ordered transferred from Camp Wheeler, was sought today by military and civilian police as the slayer of a Macon policeman.

Police Chief Robert L. Miller said a negro who shot and killed Policeman John Grady Favors and seriously wounded Sergeant M. W. Whitmire, military policeman, had been identified as Edmund Reed. Reed was demoted recently, Miller said, and had been awaiting transfer to Fort Benning.

AUG 22 1942

Favors, 45-year-old officer, was shot in the stomach when he offered his assistance to Sergeant Whitmire after the latter arrested the negro at a bus station here last night.

Age-Herald
Birmingham, Ala.

TWO ASSAILANTS SOUGHT BY POLICE

OCT 2 2 1942

City officers still were looking for the assailants of a Negro spectator, who was stabbed fatally, and another, who was shot in the head and left side, Monday night in two unrelated assaults. The assaults occurred at Legion Field during a Negro football game between Parker High School and Booker T. Washington School of Atlanta.

City Detectives Jim Norrell and Charles Pierce said Mack Patterson, 21, of 212 11th Court, West, was stabbed in the chest during the game and ran from the stadium to the corner of Eighth Avenue and West Fifth Street, where he collapsed. He was taken to Hillman Hospital and died shortly after being admitted.

OCT 2

Curtis Thomas, 20, of 85 West 15th Street, was the second victim. He was shot in the head and the left side, but his condition late Tuesday was reported as "good" by Hillman Hospital attaches.

The detectives said Thomas told them he was leaving the stands when he accidentally flicked some ashes on one of a group of Negroes standing near the stands. An argument ensued and Thomas was shot twice by an unidentified assailant with an automatic pistol. The group of Negroes, including the assailant, then ran as officers working at the game rushed to the scene.

Daily World
Atlanta, Ga.

Doomed Georgians' Cases Refused Review By S. C.

OCT 13 1942

'Extortion" And One-Race Jury Claims Ignored

OCT 13 1942

WASHINGTON —. (SNS)— Richard Smith, sentenced to death for the slaying of a white night-watchman during a whiskey store burglary in Atlanta on October 16, 1938, failed Monday to obtain a Supreme Court review of a decision denying him a writ of habeas corpus.

The writ, by which he sought his release, was denied by the Southern Georgia Federal District Court and by the Fifth Federal Circuit Court.

Smith contended through attorneys that his conviction had been obtained by the use of an involuntary statement "extorted by police" which was "used as a confession."

Smith also was named as the slayer by Raymond Carter, alleged accomplice under sentence of death for killing a policeman fat Jackson Ga.

OCT 13 1942

Carter said that while he and Smith were engaged in robbing the liquor store the watchman, T. H. Herd, came upon them and that Smith hit him over the head with a milk bottle filled with sand.

This was the second appeal by Smith to the Supreme Court. Once before the tribunal refused to review the denial of a writ of habeas corpus by the Georgia Supreme Court.

The court also refused Lewis Wilcoxon, convicted in the Superior Court of Cobb County, Ga., of criminal assault, a review of a decision by the Georgia Supreme Court denying him a writ of habeas corpus. He contended members of his race had been systematically excluded from the jury lists and that he had been denied adequate counsel to defend him.

Motion Is Filed After Macon Jury Returns Verdict

SEP 24 1942

Execution Date Is Set by Judge For Otober 23

SEP 24 1942

MACON, Ga.—(SNS)— Defense Attorneys A. T. Walden and T. A. Jacobs, Jr. Wednesday had filed a motion for a new trial in the case of Private Edmond Reed, who was convicted of murdering Policeman J. G. (Doc) Favors by a Bibb Superior Court jury Tuesday night and sentenced to die on October 23.

SEP 24 1942

The motion was filed shortly after the verdict was brought in and Attorney Walden indicated that he would take the case to the United States Supreme Court, if necessary.

NAACP SUPPLIES DEFENSE

The Macon branch of the National Association for the Advancement of Colored People is defending Private Reed and secured Attorneys Walden and Jacobs to represent the soldier in court.

The verdict was returned by the jury after an hour's deliberation. Private Reed was calm as Judge A. M. Anderson, Jr. pronounced sentence, but Reed's mother left the courthouse, screaming hysterically.

Defense Attorneys Walden and Jacobs had the jury polled individually after the verdict was announced, and each juror stated he had reached the verdict of "guilty" with his own free will and accord.

SEP 24 1942

SHOT IN SELF DEFENSE

The defense contended that Private Reed killed Policeman Favors and wounded Military Policeman Marvin Whitmire last August in self-defense as he was being beaten into insensibility by Officer Favors and that the gun was fired while the soldier was not in possession of his full mental faculties. The defense also pointed out that the civilian policeman struck Private Reed with a blackjack two or three times while Reed was being held by two bus drivers.

Trouble started when the military officer arrested Reed at a bus station on suspicion of being AWOL. Two bus drivers came to the assistance of the MP and in the meantime the civilian officer rushed up and said he would take the prisoner. During the blackjacking attack and scuffling, Reed got his hand on the MP's pistol and started shooting. He then fled only to be captured about 27 hours later. His capture climaxed one of the biggest manhunts in history.

CHARGE ASSAULT UNWARRANTED

SEP 24 1942

In his argument to the jury Defense Attorney Jacobs said Policeman Favors made a brutal and unwarranted assault upon Reed after the latter already had been subdued and while Reed was being held by three or four men:

"An officer has no more right than you or I to abuse a prisoner or use unwarranted force in making an arrest.' the attorney declared. "Had Mr. Favors come up in the right manner and said: 'Reed, I command you to consider yourself under arrest'—and not slipped up behind the soldier and beat him on the head with a blackjack—this unfortunate thing would never have happened."

SEP 24 1942

The defense attorney said that whether there was any actual danger or if Reed believed himself to be in danger of assault, he had the right to act upon the circumstances as he believed them to be and defend himself.

HAD HURT NO ONE

"Reed had hurt no one and had made no assault on any one until the unlawful attack was made on him," Attorney Jacobs said in asking acquittal on the grounds of self-defence.

Judge Anderson gave the jury a charge that included verdicts of murder, manslaughter and justifiable homicide.

He said on officer had the right to arrest a law violator and use reasonable force to subdue him but could not use excessive or unnecessary force. "If the prisoner is abused, he has the right to resist," the judge pointed out.

In the closing argument, Solicitor Charles Garrett charged that Reed had taken the pistol from Whitmire before anyone had hit him, and had made up his mind to escape by murder if necessary.

"That act writes the death sentence for Reed," the prosecutor stormed.

SEP 24 1942

BLAMES DEFENDANT

Garrett contended the soldier was violating the law in every instance since the time he left Columbus without leave, and that Reed himself was responsible for everything that happened.

"It was the duty of Officer Favors, seeing the soldier fighting Military Policeman Whitmire, to arrest him to use whatever force was necessary to do so," the solicitor continued "It was the officer's duty to take the prisoner from the civilians. What kind of policeman would he have been had he said: 'Well, boys you seem to have the situation well in hand, I believe I'll let you deliver him to the city hall'."

Col. Walden in his defense argument charged the jury of its grave responsibility. He contended that Reed was beaten into a state of insensibility and that he was acting on the principles of self-preservation. Walden also commended the people of Bibb county for their decency in letting the law take its course, stating that this is not always the case. He further stated:

"In our present day there are big differences in men, there are differences in race, color, financial and social status, but we are all children of our heavenly Father. "Regardless of the differences between men, we in America can come with one claim of absolute equality--the claim of equality under the law. That is the genius of the American Constitution. It is the one thing that distinguishes our form of government from that of any other form of government in the world's history. We are not asking mercy because we firmly believe that when you do justice for this defendant he will not need

Constitution
Atlanta, Georgia

Kirkwood Man Slain; All Clues Washed Away

Their only clues apparently washed away by rains, city detectives last night pursued their investigation of the holdup-slaying of mild-mannered D. N. Vess, 44, a retired cotton broker, as he walked homeward in Kirkwood Sunday night.

Dec 1 1942

His head badly gashed in two places, Vess made it to his home at 39 Kirkwood road, N. E., and then collapsed, dying at 8:20 o'clock yesterday morning as relatives prepared to remove him to a hospital.

According to Detectives D. L. Taylor and W. M. Holland, Vess told his wife and attending physicians he was struck by a Negro who robbed him of a small amount of pocket change in a park near his home.

Footprints Washed Away.

The detectives thoroughly searched the park but found no blood spots or footprints indicating a struggle, but they said rains might have washed them away.

One puzzling aspect of the case was that Vess' hat showed no signs of a blow, indicating he was bareheaded at the time of the attack. The hat lining showed bloodstains, but the detectives said the position of the wounds would have made such blows impossible without damaging the hat if it had been on the victim's head.

Checking up on Vess' actions before the attack, detectives learned he had visited a cafe at College avenue and Howard street between 8 and 8:40 o'clock Sunday night. He reached home shortly before 9 o'clock the same night.

No Known Enemies.

Friends described the victim as a slight, mild-mannered man with no known enemies, and the type of person who never caused any trouble. Until recent years he had been associated with Anderson-Clayton, cotton firm, and at one time had charge of classifying all cotton bought by the firm in the southeast.

He had lived in Atlanta for 12 years, coming here from Athens. Survivors include Mrs. Vess; a son, Dan M. Vess, Jr.; a daughter, Miss Kathleen Vess; four sisters, Mrs. G. W. McElroy, Mrs. H. J. Oliver, Mrs. C. C. Whittier and Mrs. W. L. Carmichael, all of Atlanta; two brothers, S. E. Vess, of Atlanta, and I. H. Vess, of Oklahoma City, Oklahoma.

Funeral arrangements will be announced by Brandon-Bond-Condon.

Advertiser
Montgomery, Ala.

Negro Golfer Held On Murder Charge

Nov. 26, 1942

ATLANTA, Nov. 25.—(AP)—A caddy, one of Atlanta's best known negro golfers, was today charged with the murder of George H. A. Thomas, 57-year-old manager of the Black Rock Country Club.

Fulton County Police Chief George Mathieson said John Thomas (Bubber) Russell, 27, was apprehended in a cafe in a telephone tip, and that he later confessed the killing.

Mathieson said Russell told him this story: Nov. 25, 1942

Russell said he went to the Black Rock Clubhouse Monday night and asked Thomas to recommend him for a job and Thomas said he would think about it. Russell then asked for a $20 loan and Thomas refused. Whereupon, Russell struck Thomas, picked up Thomas' pistol and forced him to open the safe.

Then Russell made Thomas go out onto the golf course. Thomas was dressed only in his underwear, bathrobe, shoes and socks.

Out on the golf course, the two fought and Thomas was fatally shot. Nov. 24, 1942

Coming back to the clubhouse, Russell went through the safe and also picked up some cigarets and golf balls. He then took Thomas' car and wene to a hotel.

Thomas' body was found in a pine thicket about a mile from the clubhouse.

Constitution
Atlanta, Georgia

Coroner's Jury To Give Verdict In Killing Case

Country Club Manager Paid Last Tribute in Hapeville

Nov. 26, 1942

A coroner's jury will meet at 2 o'clock this afternoon at A. C. Hemperley & Sons Funeral Home in East Point to return an official verdict on the death of George H. A. Thomas, manager of the Black Rock Country Club, whose body was found Tuesday in the woods near the 16th tee of the course on Campbellton road.

The inquest will be merely routine since John Thomas Russell, 27-year-old Negro caddy, Wednesday confessed to the robbing and slaying of the 56-year-old sportsman Monday night, police said.

A coroner's jury viewed the battered body Tuesday but could make no official decision since Mrs. Paul Donehoo, Fulton county coroner, was out of town.

Funeral services were held for Thomas yesterday morning at the First Baptist Church of Hapeville. Burial was in the College Park cemetery.

Constitution
Atlanta, Georgia

How Many Repeaters?

There is one factor in the homicide picture, as released this week by the United States Census Bureau, and with particular reference to Georgia, which was not revealed.

The statistics show Georgia had, in 1941, more homicides per thousand of population than any other state. The ratio in this state was 20.9 per 100,000 population.

Atlanta's Police Chief Hornsby attributes this undesirable homicidal prominence to the high mortality by violence in the Negro population. "Our white homicide rate is low," the chief is quoted.

It would be interesting to know, however, what proportion of such killings are perpetrated by men or women, white or colored, who have previous criminal records.

The pardoning and paroling of convicts serving in our state prison institutions has been a public scandal for at least two gubernatorial administrations. Law enforcement officers have complained it is almost useless to secure convictions, even of habitual criminals, because the chances are they will soon be turned loose, by executive clemency, to again prey upon society.

It has been by no means unusual for men, or women, convicted of murder to be given their freedom after serving only a few years of a life sentence.

Murder, it is recognized, is a crime of impulse in most cases. Yet, once a murderer has yielded to that impulse, it is easier to yield a second time.

It would be interesting, and possibly informative, to know how many of those who killed another in 1941, had already worn the black mark of Cain upon their brow.

Incidentally, the Census Bureau report had one redeeming feature from the Georgia viewpoint. Our homicide rate may be high, but few persons—only 7.3 per 100,000—commit suicide in this state. We may be hotblooded, in Georgia, but life is too pleasant here, under any circumstances, for many of us to be willing to exchange the Georgia scene, even for the golden streets of heaven.

—THERE'S NO HOLIDAY IN WAR!—

A new OPA order requires boarding houses to keep a record of all foods served in December. This is the worst yet, if it means breaking down the hash.

—THERE'S NO HOLIDAY IN WAR!—

Try E. S. P.

Some years ago there was a radio program which porported to present examples of what it called "Extra Sensory Perception." The examples presented were of instances, which every community and every family knows of by hearsay, where two individuals, many miles apart, appear to have communicated with each other by some mysterious ability to transmit and receive the impulses of thought.

The telephone company is asking all of us, at this Christmastime with war raging, not to attempt to use its lines for the transmission of verbal messages of greeting. The full capacity of the lines is needed for essential war messages and other messages which must go through. Thoughtful and delightful as a long distance phone call to distant home or friend may be, and is, in normal times it is today merely a selfish interference with the war effort.

So, when tempted to put in an unnecessary long distance phone call, please take thought of the situation and restrain that impulse. You will, thereby, be serving your country in practical manner.

And, until the end of war restores normalcy to long distance telephone usage, you might practice on your ability to transmit messages by Extra Sensory Perception. Who knows, some definite contribution to science might result.

—THERE'S NO HOLIDAY IN WAR!—

An eastern public health authority urges that it be made a misdemeanor to kiss a baby. It already is, if she is old enough and uncooperative.

Chicago Tribune
Chicago, Illinois

QUIZ CONFESSED SLAYER ABOUT SECOND KILLING

FEB 5 - 1942

Suspect Lived Near Scene of Woman's Murder.

FEB 5 - 1942

A Negro ex-convict who confessed slaying a mother of eight children in her notions store on the southwest side during a robbery on Jan. 26 was questioned by police last night in connection with the murder of another woman in December.

The ex-convict is William Payne, 64 years old, who has been in prison 30 of the last 34 years. He confessed he killed Mrs. Amelia Fantl, 64 years old, in her store at 3021 63d street with a hammer and robbed the cash drawer of $7. Her body was discovered in the quarters in which she lived at the rear of the store.

Sergt. John Hanrahan of the detective bureau robbery detail questioned Payne about the murder of Mrs. Bergit Kyvik, 43, whose body was found in a vacant lot near East Ravenswood and Thome avenues on Dec. 14. Her skull had been crushed with a brick and her feet tied with her stockings. A purse near by was empty. Mrs. Kyvik, the mother of twins, lived at 2125 North Central Park avenue.

Payne was released from the Bridewell last Dec. 8 after serving a year for carrying a revolver. He said he had lived with a friend for several weeks after his release within a few blocks of the scene of the Kyvik murder.

FEB 5 - 1942

Payne confessed he had committed six or seven robberies in addition to the crime that ended in Mrs. Fantl's death. He was arrested a week ago after he had robbed, bound, and assaulted with a knife Miss Helen Weiss, 23 years old, in a beauty shop at 4905 North Clark street. Her screams attracted the attention of Detectives Ted Groark and Peter Kules of the Summerdale station, who seized him after a chase.

Police said Payne usually tied his victims and attempted to assault them. He was identified by two women he thus had treated.

Says He Needed Money.

Telling of the Fantl slaying, Payne said he needed money and took a street car to within a block of the woman's store. He said he passed her place, saw a customer, and then went across the street to a liquor store, where he bought a half pint of gin.

FEB 5 - 1942

When the customer left, he said, he walked into the store, made a small purchase and then, when Mrs. Fantl went to the cash drawer, he told her it was a robbery.

"She screamed, so I hit her over the head with a hammer I saw lying near by," he said.

Payne told police he then tied her up, dragged her into her living quarters, and took the money from the cash drawer. He locked the front door with keys he found in the place and left, he said.

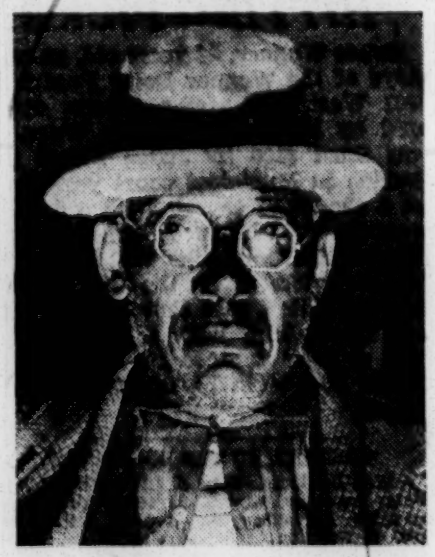
FEB 5 - 1942

Record Goes Back to 1908.

Payne's police record goes back to 1908, when he was arrested for robbery. He has served prison terms for robbery, larceny, and rape. He was released from the state prison for the insane at Menard six years ago. He had been transferred there from the Joliet penitentiary, where he was serving a sentence for larceny.

He was arrested for robbery and rape in Dodge City, Ia., in 1938 and was sent to the reformatory in Anamosa, where he was placed in a cell for the insane. He was released in November, 1940, however, when he was adjudged sane.

Confessed Killer



[TRIBUNE Photo.]

William Payne, who yesterday confessed that he slew Mrs. Amelia Fantl, 64, with a hammer in her notions shop at 3021 West 63d street on Jan. 25. He intended to rob her.

Chicago Tribune
Chicago, Illinois

CONTINUE SEARCH FOR GANG KILLER IN NEGRO MURDER

Mrs. Patricia Hunt, wife of "Golf Bag Sam" Hunt, one time Capone gangster, was released on $100 bond yesterday by Judge Robert J. Dunne in Criminal court, to appear again next Friday for more questioning in the killing of Mike Wade, a Negro houseman. Wade was shot to death early Sunday at Cermak road and Indiana avenue by a man driving Mrs. Hunt's auto, according to Assistant State's Attorney David Leeds.

Mrs. Hunt was arrested in the home of friends after police had waited at the Hunt home, 2221 East 68th street, for her return. She said she had not seen her husband since early Saturday, but that he had a duplicate set of keys and her car was parked on the street where he could easily have got it. She said Sam is now a race track gambler.

The killing of Wade resulted from a traffic altercation, in which a companion, James Baxter, was shot. The Wades and Baxters, employed in Winnetka as house servants, were on the way to a hospital for treatment of Wade's sprained ankle when the shooting took place.

33-1942
Afro-American
Baltimore, Md.

Six Whites Are Held In Slaying Of Race Worker

Southerners Indicted by Grand Jury in Gary

GARY, Ind. — (ANP) — Six white employes of the Sheeley shows, a street carnival, were ordered held for murder following a race riot with Negro workers for the company resulting in the death of Robert Golden, 46, of Toledo, Ohio.

Those bound over to the county criminal court are Aldon H. Gribbens, 23, Spartan, Ky.; Homer Lucas, 23, Russellville, Ala.; Leb Marshall Denham, 20, Anniston, Ala.; Roy Miller, 23, Youngstown, Ohio, Lewis Sammie Rochester, 30, Greenville, S. C., and Edward Lee Hart, 23, Silver Creek, Ga. All but one are from the South.

Gary police obtained signed confessions from each telling about the beating of Golden. Miller and Hart admitted at the inquest that they hit the victim over the head with a 12-inch machinist's wrench and pliers. The four others were present. They said they returned to the carnival about two o'clock on Thursday morning after drinking in a tavern and began the series of drunken attacks during which nine men were injured before Golden was killed.

33-1942
Age-Herald
Birmingham, Ala.

SLAYING CLIMAX TO DEATH TRIAL

Defendant Shot As Jury Votes Conviction And Asks Execution

MAY 22 1942

HARLAN, Ky., May 21—(AP)—Manzo Shepherd, 24, was shot to death Thursday in the Harlan Circuit court room where he was being tried for slaying a taxicab driver, and the jury convicted him and recommended the death penalty during the few minutes which elapsed between the time he was shot and the time he was pronounced dead.

Sheriff Clint Ball said Jack Heaton, 26, a coal miner from Louellen and a nephew of the man Shepherd was charged with killing, surrendered to officers immediately after the shooting and was placed in jail.

Commonwealth Attorney Daniel Boone Smith had just asked the jury of men from adjoining Bell County to sentence Shepherd to the electric chair, and Judge James S. Forester had started to address the jury when the shot rang out. Court attaches rushed to Shepherd's side and carried him from the courtroom. He was pronounced dead at a hospital.

MAY 22 1942

Judge Forster told the jury Shepherd was alive when taken from the room and ordered them to take the case under consideration.

The jury returned in a few minutes with a conviction verdict and recommended the death penalty.

Shepherd, Sherman Clouse, 23, and Howard Hensley, 30, of Yancey, were indicted for killing Christian on Black Mountain May 5.

Clouse and Shepherd had been tried jointly Tuesday but the trial ended in a deadlocked jury. After the shooting of Shepherd Judge Forster postponed new trials of Hensley and Clouse until the October term of court.

Meanwhile a man docketed as the Rev. J. H. Hampton of Evarts, a Holiness Church preacher, was being held in Harlan jail on a charge of obstructing justice.

Commonwealth Attorney Smith identified the prisoner as a member of the deadlocked Clouse-Shepherd jury and said the charge was placed against the man after he refused to vote. At the time the jury was dismissed, Judge Forster said the jury stood 11 to 1 for conviction.

MAY 22 1942

At the first trial both Shepherd and Clouse testified that they had participated in the killing of the taxi driver and said they received $5.75 as their part of the money taken from his body.

Pittsburgh Courier
Pittsburgh, Pa.

Selectee Slain On Train; Porter Held

NOV 1942

By STANLEY ROBERTS
(Staff Correspondent)

NOV 7 - 1942

CINCINNATI, O., Nov. 5—Johnnie Leroy Sears, a hard-working L. & N. train porter, with ten years of service to his credit, is bewildered and fearful today as he sits in a Kentucky jail cell, charged with the murder of a white Army selectee who alledgedly goaded the trainman into a self-defense stabbing resulting from a drinking party in which 65 inductees were involved.

Sears, father of two small children, and residing at 1057 Pine street, here, was taken from his train by police in Covington, Ky., last Thursday night, after he had fatally stabbed Edgar Long, of Harlan County.

Sixty-seven inductees boarded the L. & N. train that evening at Corbin, Ky., and police charge that 65 of them were drunk. From the beginning, according to Sears and other train officials, the men were rowdy and troublesome.

SELECTEES THREATEN NEGROES

Two assistant conductors, R. C. Ogden and Charles Douglas, were beaten by the men when attempts were made to reason with them. Sears was made a special target of their constant barbs because of his race. In fact, the men threatened several times not only to "kill that n——r" but to migrate to the Negro coach and kill everyone in it.

Sensing danger, the conductor, F. J. Keith, of Covington, Ky., told the porter to ignore the men. Sears asserted that he was following these instructions until he observed several of the men standing on the platform between two coaches with the door open.

SEARS TRAPPED IN COACH

As he warned one man of the danger involved, others tried to shove him from the speeding northbound train.

Somewhere between London and East Bernstadt, after an inductee had thrown a bottle at the porter, he was cornered by three, who began to beat him. Trapped, Sears hit one, knocking him backward. At the same time he pulled a knife from his pocket and fatally stabbed Edgar Long.

65 INDUCTEES ARRESTED

Following the stabbing, Sears was locked in an express car for protection and the car in which the selectees were riding was also locked.

NOV 7 - 1942

At Richmond, Ky., the 65 intoxicated men were taken off the train and placed in jail. However, they were permitted to resume their journey to the induction station at Fort Thomas the next day.

When Courier representatives visited the family here last week they found that Sears had been released to the Laurel County sheriff and fear was expressed as to his safety.

Army officials have questioned him and the conductor on the train has indicated a willingness to verify the statement that the selectees threatened to kill all the Negroes on the train.

It was also learned that several local organizations have wired officials requesting that adequate protection be afforded Sears in the small town jail.

Train Porter Hearing In Slaying Postponed

Courier-Journal
Nov. 11 1942

L. & N. Employe Accused of Killing U. S. Army Selectee From Harlan

Louisville, Ky.

London, Ky., Nov. 10 (AP)—A preliminary hearing for Johnny Leroy Sears, 35, Negro train porter charged with murder in connection with the fatal stabbing of an Army selectee, was reset today by County Judge Boyd Boggs for December 14.

Judge Boggs said he postponed the hearing, originally scheduled for today, after certain Commonwealth witnesses failed to appear. He added Sears was allowed to remain at liberty on $5,000 bond.

Sears, identified by Laurel County Sheriff W. H. Steele as a porter on an L. & N. train, is accused of killing Ed Long, 38, LeJunior, Harlan County, as the train passed through Laurel County October 29.

Chicago 33-1942
Chicago, Illinois

DEFENSE SAYS CASE BELONGED IN ARMY COURT

JAN 31 1942

Probe Also Substantiates Assertion Slayer Acted In Self Defense

JAN 31 1942

NEW ORLEANS La.—In a letter to Atty. W. A. Mabry, of Shreveport, defense attorney for George Iles, 23-year-old soldier who was convicted of the murder of a patrolman and sentenced to electrocution by an all-white jury, the New Orleans Press club called attention to the fact that the United Supreme Court had ruled in the Hugh Pierre case that retrial was necessary in cases where such discrimination was shown as to exclude Negroes from juries.

JAN 31 1942

Iles, attached to Barksdale field was found guilty of the murder of Patrolman Willie Jacobs on November 16, 1941, at the Odd Fellows' dance hall in Shreveport during a dance. It was stated by a state witness that Iles drew a knife on the officer when accosted for entering the dance without paying and the officer shot him. Iles then made exit through the back door and returned through the front door and attacked the officer again, wrested his gun away from him and shot him. The officer died enroute to the hospital.

JAN 31 1942

The Press club reported that the fallacies in this testimony are made more ridiculous with the testimony of the Barksdale Field medical corps, who stated that Iles was treated for two gun shot and two knife wounds.

The all-white jury deliberated only a few minutes and returned a verdict of guilty as charged. Attorney was advised to acquaint himself with the facts in the Hugh Pierre case and confer with Atty. Maurice Woulfe, Pierre's attorney.

Upon checking the authority of a civil magistrate to try and convict a soldier the Press club cited the following: Article of War No. 59, "When any officer or soldier is accused of a capital offense against the person or property of any citizen of any of the United States which is punishable by the laws of the land, the commanding officer and the officers of the regiment, troop, battery, etc., to which the person so accused belong are required, EXCEPT IN TIME OF WAR, to deliver them up to the civil magistrate."

JAN 31 1942

Iles was tried and convicted on Wednesday, Jan. 7, one month after the United States had officially entered war with Japan and the Axis powers. He was hurriedly sentenced the next day by Judge Stephens to die by electrocution.

The Press club stated that sustained efforts will be made to secure absolute justice for Iles in every phase of court and legal procedure, whether or no it is the plan of his defense counsel.

Chicago Defender
Chicago, Illinois

SOLDIER TO BE DEFENDED IN HIGHER COURT

FEB 28 1942

Granted Appeal of Murder Verdict Returned By All-White Jury

NEW ORLEANS, La. — George L. Iles, Barksdale field soldier convicted and sentenced to electrocution for the murder of a Shreveport policeman by a Caddo Parish all-white jury on January 8 was granted an appeal in the Louisiana State Supreme court.

The hearing is set for March 6. The appeal was secured through Iles' counsel, Mabry and Carstarphen, on bills of exception.

According to Iles' attorneys, the statements of six or seven Negroes, as state's witness, were the deciding factors in the case against Iles. The appeal attacked the quality of the verdict, because Iles had made a statement to the coroner the day after the killing which conflicted in part with the motive for murder.

The state held that Iles did not purchase a ticket to enter the dance hall on the night of the trouble and entered the hall by crashing the gate. After he got inside the dance hall, one Walker, who was a witness approached him and told him he would have to buy a ticket, to which Iles answered, "To hell with the ticket." Walker then requested the police officer, who was on special duty, to either direct him to buy a ticket or to have him leave the hall.

The police officer approached him and told him that it was necessary for him to purchase a ticket, otherwise to get out of the hall. Iles refused to buy a ticket and refused to leave the hall, according to the witness, but on the contrary, drew a knife from his pocket and advanced on the officer.

The officer then fired his pistol twice striking Iles one time on the lower part of his chest, which caused only a skin wound and the second time the shot went through one of his arms, which was also only a flesh wound.

The officer told Iles that he did not want to kill him, but Iles insisted upon staying in the hall and continued to attack the officer until they reached he door at which time Iles knocked the officer down and took the officer's pistol from him and killed the officer while he was lying on the floor.

FEB 28 1942

Iles made a complete statement to the coroner the next day, but claimed that he had bought a ticket. The doctor who treated Iles stated that he did not find a ticket on Iles. The state supreme court accepted the bills of exception and granted an appeal.

Man's Sentense May Seal Fate Of White Woman

"The Informer"

AUG 15 1942

LAKE CHARLES.—Society is responsible for some strange paradoxes. One of them unfolded here this week when it developed that the life of a white woman, condemned to execution, might depend upon the sentence meted out by the courts of the state and United States upon a Negro man, also condemned to die for murder.

The man is the little crippled farmer, Hugh Pierre, who has been sentenced to die for murder three times for the murder of a peace officer who came to his home to arrest him and who was killed by Pierre.

Houston, Tex.

His case is now before the U. S. Supreme Court for review for the third time, his attorneys seeking his release because he was condemned to hang and now Louisiana law declares that a prisoner must be put to death by electrocution.

AUG 15 1942

Base Hopes on Sentence

A white woman, claimed to have been a prostitute at thirteen, and at the early age of twenty to have committed murder, is now awaiting execution in a Louisiana jail and her attorney's base their hopes upon the sentence meted out to a poor Negro farmer.

Pittsburgh Courier
Pittsburgh, PA.

LA. STATE TROOPER NOT EVEN IN JAIL

Alexandria Scene of Another Brutal Murder—War Department Has Facts—Aid of Justice Department Sought

By RALPH BROWN
Staff Correspondent

WASHINGTON, D. C., Nov. —Wanton murder of a Negro military policeman at Alexandria, La., November 2, is the cause of undisguised concern in official circles here, the War Department and the Department of Justice, and many persons are expressing the conviction that the Army is facing its stiffest fight, not in New Guinea or North Africa, but in the southern United States in general and Louisiana in particular.

Nov. 26 1943

The most recent killing of a colored military policeman, unarmed, in Alexandria, following hard upon the attack on Negro soldiers there 10 months ago in which 26 were shot or otherwise wounded, has thrust a situation into the Army's lap which no apologist, if there were any, can ignore.

It can be stated authoritatively that the Army command at Camp Beauregard, home of the slain military policeman, and the War Department here, are both in full possession of the facts

ARMY SEEKS WAY TO PROSECUTE KILLER

It can also be stated that the Army is actively and vigorously seeking a way to prosecute the killer, but so far has found itself powerless even to jail him. The Army has turned to the Department of Justice for advice and aid.

At a conference held between Army officials and the head of the state police in Louisiana, the Army officials who pressed for action were bluntly told to go to hell.

The only action taken by the state of Louisiana against the killer-patrolman has been to suspend him for one day.

The facts of this latest Louisiana homicide which involves the killing of one Negro military policeman and the brutal beating of another, are substantially as follows:

The military policeman killed was Private Raymond Carr. The state trooper who killed him was Dalton McCullon.

Carr was killed in Alexandria while at his post in the performance of his duty.

The state trooper had no legal right to arrest him in Alexandria nor to interfere with him in the performance of his duty.

EYE-WITNESS ACCOUNT IS RELATED TO COURIER

The military policeman who was with Carr and was beaten told The Courier:

"Private Carr and I were walking down Washington street. Two civilians, a man and a woman, crossed the street about ten paces ahead of us. On the other side of the street they stopped and began to argue. As we were passing, the woman spoke and said, 'These M. P.'s are not going to let you bother me.' Carr told her, 'That's your business. I haven't got anything to do with it.'

"We walked down the street another ten paces and the man and woman followed us as though she wanted us to protect her. We turned around and returned to where we had first crossed the street. The man and woman followed us. We stood on the corner. They stopped on the same corner about four feet from us. They were still arguing.

"At that time, a white state trooper drove up, jumped from his car and rushed across the street toward Private Carr and me.

"'What's this all about?" he demanded. "What the hell is the matter here?'

"The woman began to wring her hands and cry. She told the state trooper that the man with her had hit her. The man began to run and another state trooper pursued him.

STATE TROOPER BECOMES ABUSIVE

"Private Carr told the state trooper that the man had not struck the woman.

"The state trooper then turned to us and asked us what the hell we had to do with it. He then complained:

"'You all are trying to take charge of civilians and to keep us from making an arrest. We should arrest you. You are under arrest, both of you, you black s——s of b——es."

"We told him that we could not leave our posts without being properly relieved.

"'Don't tell us what you can't and won't do," one of them yelled.

"While they were talking, one of the state troopers reached for his pistol three times, but did not pull it. We were unarmed. Private Carr told him that he could pull it.

"Then the state policeman got in their car and prepared to leave. As they drove off, one of them said to us, 'You will go!'

TROOPERS COME BACK WITH TWO MORE

"In ten minutes, they returned with two more state policemen. One had a shotgun. The other three had pistols. One of them held his shutgun on me and told me not to move, that he would like to fill me full of holes. The other three surrounded Private Carr who ran. The policemen began to run after him. I was kept covered with the shotgun.

FIVE MINUTES LATER, I HEARD THE SHOT WHICH KILLED PRIVATE CARR.

"After the shot, the three other policemen returned to where I was being held. They ordered me to drop my stick and get in the car. They carried me out to the headquarters of the state patrolmen, snatched me out of the car and struck me across the head and in the mouth. Then they carried me into the office and sat me up against the wall while still holding the shotgun on me. They opened a nearby window and told me that if I wanted to die, I could take chances on jumping out the window.

"Inside of an hour a white sergeant and a white lieutenant came out to the headquarters and talked to the trooper who was holding the shotgun on me for about a minute and a half. Then they left.

"I was carried up to the desk and questioned. Shortly afterward, I was handcuffed and taken to a cell. I stayed in the cell from 3:30 a. m. until 10 a. m

MP QUESTIONED ABOUT '41 KILLINGS

"Then they took me from the cell and returned me to the headquarters office. Captain Green of the state police wanted to know where my home was. I told him that my home was in the South. Then he wanted to know where I entered the Army. I told him. He then said to me:

"'N——r, do you mean to tell me that you were born and raised in the South and didn't have no better sense than to resist a white man like that. He should have killed you. You know what happens to n——rs down here in the South whenever a white man speaks to one.'

"Captain Green also wanted to know if I had been in Alexandria at the time of the riot in 1941. He wanted to know if I was on duty at that time. I told him I wasn't. He then said:

"'You heard about us killing up ten or fifteen of those n——r soldiers in that riot. You should have taken a lesson from that.'

"One of the other state policemen said to me, 'I haven't killed but seven d——d n——rs!'

"At that time, Colonel Heath arrived and stopped in the front room. They took the handcuffs off me and carried me to the front room. Colonel Heath went in the back and talked with Captain Green about a half hour. I was turned over to Colonel Heath who took me down to the military police headquarters. I told Colonel Heath how it all happened. Colonel Heath turned me over to Sergeant White who took me to Camp Beauregard.

"When Private Carr left me, he ran into another military policeman on Lee street. Carr ran up to the soldier and cried, 'They are after me!' The military policeman wanted to know who was after him. Carr said the state policemen.

TROOPERS INSISTED CARR WAS UNDER ARREST

"When the military policeman with Carr looked around, the state policemen were bearing down on them with pistols drawn. This military policeman, a white soldier, placed himself between Carr and the state police and asked what was wrong. The state policemen said that Private Carr was under arrest and that they were taking him.

"The white military policeman said that they could all go down to the officer of the day. The state policemen didn't answer.

"Private Carr was begging the white military policemen not to let them shoot him. When this white soldier and Carr started to move down the street, the state policemen blocked their way with pistols still drawn. The white military policeman stood and talked to the troopers, but could get no consideration. They insisted that Private Carr was under arrest.

"Carr and the white military policeman stood their posts for about five minutes. Then the state policemen walked toward Private Carr and the white boy. They reached around the white soldier and snatched Private Carr. Carr fell to the sidewalk in a slumped position. The trooper who snatched him then shot him. The other trooper simply looked at the white soldier who turned to go up the street and get help. On the way, he met the officer of the day who had heard the shot. By the time the officer of the day and the white military policeman reached the scene of the shooting, the state policemen had Carr between. When informed that the state policemen had shot Carr, the officer of the day took him, put him into a parked car and drove him away.

WALKED DOWN STREET AS THOUGH NOTHING HAPPENED

"The state policemen walked down the street as though nothing had happened."

It is against this crime that the Army has so far futilely attempted to move.

It is the function of the state of Louisiana to punish murderers who commit crimes within the state borders.

Whether it is possible to invoke a Federal law to permit action by the Department of Justice had not been made clear.

The state has refused to act.

If Germans, Italians or Japanese were shooting down American soldiers, the Army would know exactly what to do. It would shoot back.

But it doesn't know what to do when Americans are shooting down other Americans performing their duty in the uniform of the Army of the United States.

The War Department won't demand it, but it goes without saying that the Army can see from the recurrent attacks on Negro soldiers in the South the obvious necessity of a law to protect all soldiers in uniform in the performance of their duties.

The South has the Army halted to a dead standstill on the home front.

There is important opinion in the capital which believes the Congress should pass legislation designed to smother the challenge of this new attack on Fort Sumter.

These attacks on Negro soldiers are projecting the question as to whether the South can continue to act on its own or must be persuaded that it is still a part of the United States.

33-1942

LOUISIANA

Chicago Defender
Chicago, Illinois

LA. JURY FINDS SLAYER GUILTY IN NEW TRIAL

Faces Death Sentence As Jury Refuses To Urge Clemency In Case

DEC 19 1942

By LAWRENCE P. LAMAR

LOS ANGELES. — A superior court jury Tuesday found Edward Gainous, 38, guilty of first degree murder. It was the second time that Gainous had heard the 'guilty' verdict in connection with the murder last July 3, of seven-year-old Oscar Rankin, Jr.

The Kidnapping and later murder of the little boy during a three-day search by police and citizens for the missing child caused a deep anxiety. The boy's mother reported three days before the finding of the child's mutilated and partially decomposed body in a dump mound here that she had received a message that her son had been kidnapped and she would never see him again.

DEC 19 1942

Gainous, who had been keeping company with the boy's mother was suspected of the revenge kidnapping and slaying. Police learned that the boy had been criminally attacked before being beaten and choked to death. Detectives after questioning Mrs. Rankin learned that Gainous was a sex pervert. It was this evidence that led to the piling up of circumstantial evidence that brought about the conviction of the accused.

Last September 16, Gainous was convicted and sentenced to life imprisonment. He appealed through his lawyer, Maurice Gleason, for a new trial which was granted. Gainous was found guilty by a jury for the second time. He failed to get a recommendation for leniency, which indicates that the judge must in accordance with the law pronounce the death penalty, which in the state means the gas chamber.

Constitution
Atlanta, Georgia

Thomas Slaying Trial Postponed

DEC 17 1942

The trial of John "Bubber" Russell, Negro caddy accused of the murder of George H. A. Thomas, operator of the Black Rock Country Club, scheduled for yesterday, was continued until January 18 by Judge Virlyn B. Moore, of Fulton superior court.

DEC 17 1942

Judge Moore appointed William Schley Howard, Devereaux McClatchey, W. K. Meadow and Harry Cowan to represent Russell. He will be prosecuted by Assistant Solicitor General Andrews.

Thomas was robbed and murdered November 28.

33-1942
Age-Herald
Birmingham, Ala.

MAN KILLS THREE, WOUNDS ANOTHER

PORTLAND, Me., Nov. 23—(AP)—A Negro soldier shot and killed two fellow guards and a civilian, and critically wounded another civilian outside the Portland Gas Light Company's plant Monday night, County Atty. Albert Knudsen said.

NOV. 25, 1942

The prosecutor said that Pvt. Charles Adkins, 22, had admitted the shootings. He was held at Portland police headquarters, but no charge was lodged immediately.

Dead were Pvts. Edward Murray and George Chambers, both Negroes, and Nelson Hawkins, 65, foreman employed by the gas company 30 years.

William Dyer, about 50, an exhauster man at the gas plant, was reported in critical condition.

Army and civil authorities began an investigation of the shootings.

From incomplete reports from the scene, Knudsen told this story:

As Adkins came on duty at the West Commercial Street gate to the waterfront plant, he shot Chambers with his service rifle, apparently without warning. The soldier told Knudsen that Chambers "had been ribbing me."

Adkins then turned to the gatehouse, in front of which stood Hawkins, Dyer and Delbert Fay, another gas company employe. Adkins fired two more shots, felling Hawkins and Dyer.

Adkins then crossed some freight tracks between the plant and the roadway, and told Railroad Brakeman Matthew Gilmartin to "mind your —— business" or he, too, would be shot.

Murray attempted to interfere, and Adkins turned the rifle on him.

MAINE

33-1942
New York Times
New York, N. Y.

3 SLAIN, 1 WOUNDED BY NEGRO SOLDIER

He Shoots Fellow-Guards and Civilians in Portland, Me.

NOV. 24, 1942

PORTLAND, Me., Nov. 23 (AP)—A Negro soldier shot and killed two fellow guards and a civilian and critically wounded another civilian outside the Portland Gas Light Company's plant tonight, County Attorney Albert Knudsen said.

NOV. 24

The prosecutor said that Private Charles Adkins, 22 years old, had admitted the shootings. He was held at Portland Police Headquarters, but no charge was lodged immediately.

NOV. 24, 1942

The dead were Privates Edward Murray and George Chambers, both Negroes, and Nelson Hawkins, 65, a foreman employed by the gas company for thirty years.

William Dyer, about 50, an exhauster man at the gas plant, was reported in a critical condition.

afro-american
Baltimore, Maryland

Cop Kills Fort Meade Soldier, 26

FEB 7 - 1942

Victim, a Native of Pittsburgh, Was Drafted Nine Months Ago.

Police Department Mum; Military Officials to Conduct Probe.

Second Victim of Baltimore Cop's Gun in Past Two Years.

FEB 7 - 1942

BALTIMORE—In the presence of scores of persons who were passing along Baltimore's busy Pennsylvania Avenue late Saturday night, Patrolman Edward Bender, Northwestern district officer, shot and killed Private Thomas Broadus, 26, Pittsburgh, a member of the 1322nd Service Unit at Fort George G. Meade.

Witnesses said that Patrolman Bender (who is the same policeman that killed Charles Parker, 30, of 217 Colvin Street, February 14, 1940) then kept the crowd at bay by brandishing his revolver until other policemen arrived in several radio cars.

FEB 7 - 1942

The unconscious form of the soldier, drafted nine months ago, was placed in a patrol wagon, witnesses said, and taken to Provident Hospital, where it was pronounced dead five minutes after being admitted.

2 Bullets Pierce Body

According to Dr. Fred Green of the hospital staff, one bullet entered the middle of the soldier's back and passed almost through the body, while a second entered somewhat lower and went nearly through his stomach. The physician also said the soldier suffered a hemorrhage from the wound and his nose and mouth.

FEB 7 - 1942

On Monday evening, Technical Sergeant Theodore F. Keys, old acquaintance of Private Broadus and a member of the same service unit, and an AFRO reporter accompanied the body to Pittsburgh where funeral services will be held. Immediate survivors include his parents, John and Mrs. Estelle Broadus of 2037 Charles Street.

Plan Military Probe

Capt. G. C. Lashley, white, commanding officer of the 1322nd Service Unit, told the AFRO Monday that a three-man board would be appointed to investigate the shooting.

Capt. Joseph M. Wallace of Northwestern District would make no comment on the case or discuss any phase of it, but released the following formal statement, a complaint filed with him by Lieut. Ralph Amrein, who investigated the shooting, February 1.

Quotes Bender's Statement

"I learned from Officer Bender that at 1 a.m., he was informed by an unidentified man that it looked like there was a fight in the 600 block Pitcher Street at Pennsylvania Avenue.

"Officer Bender went to the above location and a colored soldier, later identified as Thomas Broadus, 2037 Charles Street, Pittsburgh, assigned to Fort Meade, began to curse and fight officer Bender.

"Officer Bender placed him under arrest and the soldier broke away and grabbed Bender's espantoon and struck him several times on the head with it and ran west on Pitcher Street.

Says He Fired One Shot

Bender gave chase and caught him, and again the soldier hit him with the stick several times on the head until, finally, Officer Bender drew his service revolver and fired one shot in the air to summon help and then fired one shot at the soldier.

"The soldier was taken to Provident Hospital in an ambulance and pronounced dead on arrival. Officer Bender was taken to Maryland General Hospital and held after being treated for lacerations of the scalp, a possible skull fracture and bruises of the arms and legs."

Spectators Tell of Fight

A number of spectators who saw the incident at Pennsylvania Avenue and Pitcher Street shortly after 1 a.m., told AFRO reporters that the trouble began when the officer attempted to prevent two soldiers and their girl companions from entering a private car at the corner.

An argument between one of the soldiers, later identified as Broadus, and Bender resulted in an altercation and the subsequent shooting. Several white military policemen were said to have arrived and left during the disturbance.

afro-american
Baltimore, Maryland

5 Agencies Probe Death of Soldier

FEB 14 1942

NAACP, State, City and Army Officials Are Investigating.

AFRO Finds All Wary About Releasing Any Relevant Information.

BALTIMORE

On Thursday, one day after Private Thomas Broadus, 26, Fort Meade soldier shot by Patrolman Edward Bender of Northwestern Distirct, was buried in Pittsburgh, Pa., the NAACP and four city, State and Federal agencies had begun an investigation, but were wary about releasing relative information, an AFRO survey indicated.

These agencies included a group of army officers attached to Fort Meade, the State's Attorney's office, the State Medical Examiners' office, and the city police assigned to Northwestern District.

The NAACP entered the case at the request of John Broadus, father of the deceased soldier, who based his request on the fact that he was unable to do so himself and hoped "that all would be done to bring about justice."

Army May Bury Findings

A public relations officers from Fort George G. Meade, where Private Broadus had been assigned since being drafted nine months ago, told the AFRO that a body of army officers had been appointed to conduct an investigation, but that he doubted that their findings would be released to the public.

He stated that the military ban on certain types of publicity prevented him from divulging the names of the members on this investigating board.

As to the results of the board's findings, he said that they would no doubt be filed with the commanding officers on the post, probably top officials at the Third Corps Area headquarters in Baltimore and probably to the War Department in Washington.

Wells Awaits Bender

Bernard Wells, State's attorney, stated that no date had been set for the hearing involving the fatal shooting, but that he had learned that Officer Bender was improving in the Maryland General Hospital and might be well enough in a few days to appear at a hearing.

FEB 14 1942

Mr. Wells added, however, that his office in making a thorough investigation. The officer is said to have received head and arm injuries in the fracas.

Dr. Howard Maldies, chief medical examiner, revealed that his office had performed an autopsy on the body of the dead soldier, but that he could not release the findings until after the case had been tried and disposed of.

FEB 14 1942

Police Captain Mum

Captain Joseph M. Wallace, commanding officer of the Northwestern District, remained perfectly mum. He told the AFRO that he had no statement to make at all, even refusing to confirm or deny that two men arrested and suspected of being implicated in the case will be given a hearing on February 9.

The two alleged suspects are Domily Polk, 37, of 1121 Madison Avenue, and William Boykin, 22, of 2566 Druid Hill Avenue.

Polk, charged with "interfering with Officer Bender in the lawful execution of his duties, was placed under $250 bail pending a hearing in Northwestern police court, tentatively scheduled for February 9, at 4 p.m.

Boykin, charged with assault and kicking Officer Bender, was placed under $500 bail pending a hearing on the same day as Polk.

Witnesses Talk for AFRO

According to witnesses interviewed by the AFRO, Private Broadus and a party of friends were about to enter a car, believed to have been a "bootleg" taxi, at Pennsylvania Avenue and Pitcher Street early last Sunday when the trouble arose.

It was said that the officer attempted to prevent them from using that car, suggesting that a Sun Cab be used instead.

This led to an argument between the officer and the soldier, which developed into a fracas which was brought to a sudden termination by the officer, who reputedly fired three shots, two of them allegedly directly at the fleeing soldier.

FEB 14 1942

Doctor Describes Wounds

According to Dr. Fred Green of Provident Hospital staff, who examined the private and pronounced him dead, two bullets entered the victims body, one in the middle of Broadus's back, passing almost through his body, while a second entered slightly lower and went nearly through his abdomen.

Afro-American
Baltimore, Md.

MAY 30 1942

MAKE JUDGES AND JURIES WITNESS HANGINGS

The bloodiest hanging in Maryland history was the State's execution of Wilbur Pritchett, a 37-year-old Salem farmhand, recently.

The weight of the body severed the head from the trunk and blood spurted in an eight-foot circle as the victim whirled around at the end of the rope.

The death penalty for rape is a hangover of slavery and hate. It is provided only in the backward States.

If judges and juries were compelled to witness these barbaric spectacles, there would be fewer of them.

33-1942
Daily World
Atlanta, Ga.

Soldier Held In Fatal Beating

OCT 5 - 1942

Accused Of Killing Youth

OCT 5 - 1942

GREENWOOD, Miss. (A N P)—Pvt. E. J. Lewis of the Teoc community in Carroll county, is in jail here without formal charge in connection with the alleged fatal beating of a local white boy, William Frank Carruthers, 16. Lewis was jailed after he was identified by a friend of Carruthers as the man who beat the youth on the head with an iron pipe after an altercation which started when the two bumped together on the street Saturday night. Carruthers died in a local hospital Sunday.

According to Carruther's companion, William Lucas, the two were walking down Carrollton avenue Saturday night about 10:30 when Lewis bumped into Carruthers. After a few words between them, Lucas declared, Lewis drew a knife and stabbed Carruthers in the leg. Carruthers in turn pulled a knife, according to Lucas, cutting Lewis on the hand. After they separated, with Carruthers and Lucas starting for their homes Lewis is declared to have followed dealing the fatal blow to Carruthers there.

Pittsburgh Courier
Pittsburgh, Pa.

SOLDIER HELD FOR FATAL BEATING

OCT 10 1942

GREENWOOD, Miss., Oct. 8—(ANP)—Pvt. E. J. Lewis, of Carroll county, is in jail here without formal charge, in connection with the alleged fatal beating of a local white boy, William Frank Carruthers, 16. Lewis was jailed after he was identified by a friend of Carruthers as the man who beat the youth on the head with an iron pipe after an altercation which started when the two bumped together on the street Saturday night. Carruthers died in a local hospital Sunday.

Age-Herald
Birmingham, Ala.

MISSISSIPPI GUARD WILL BE RECALLED

OCT 20 1942

JACKSON, Miss., Oct. 19—(AP)—Gov. Paul Johnson said Monday that he would recall two units of the state guard sent to Hazelhurst Saturday night along with 25 state highway patrolmen after Deputy Sheriff John Box was shot fatally as he attempted to arrest a Negro, John A. Catchings.

An extensive manhunt for the Negro through Copiah County hills and Pearl River swamps has been under way since the shooting, but the governor said no clue had been uncovered as to Catchings' whereabouts.

It was believed that the Negro no longer is in that section of the state and the governor said peace officers throughout the state will be on the alert for any signs of him.

OCT 20 1942

Deputy Sheriff Box was shot once through the heart and died 15 minutes later in a doctor's office, when he and Officer Robert Pickering attempted to arrest the Negro on illicit liquor charges.

Meanwhile, the Workers Defense League, in a letter to Gov. Johnson, sugegsted that Johnson, President Roosevelt and Atty. Gen. Francis Biddle address a public meeting at Meridian calling on citizens to testify against members of a mob which lynched two Negro boys near there last week. A third Negro was lynched early Saturday morning near Laurel.

Birmingham Post
Birmingham, Alabama

POSSES HUNT NEGRO ON SLAYING CHARGE

OCT 19 1942

By United Press.

HAZLEHURST, Miss., Oct. 19.—Possemen aided by states guardsmen and highway patrolmen searched woods near here today for Johnny Catchings, 40-year-old Negro bootlegger who killed a deputy sheriff.

Gov. Paul B. Johnson, seriously concerned about the lynching of thre Negroes in Southern Mississippi last week, sent two companies of guardsmen at the request of Sheriff A. L. Tillman, who advised that feeling was running hifh. Twenty-five patrolmen assisted the 100 deputitzed citizens.

Catchings, who had been arrested without resistance innumerable times, shot Deputy Sheriff John Box, 50, Saturday night when the Negro was about to be arrested on another bootlegging charge. Deputy Sheriff Robert T. Picking fired several shots at Catchings but the Negro escaped.

OCT 19 1942

Two Negroes were lynched at Quitman last Monday and another near Laurel last Saturday.

Kansas City Call
Kansas City, Mo.

3 Slain In Tenant Dispute

Whites Die In Argument Over Negro Workers

NOV. 13, 1942

PONTOTOC, Miss.—(ANP)—Two prominent white planters and the wife of one were killed here last week following a dispute among the three over farm tenant labor. The trouble, which led to the slaying of William B. Owen and his wife and of Forrest Haney, began after Owen is said to have accused the Haneys of "pirating" two of his Negro tenants who formerly had worked on the Haney plantation near Renalara.

Haney, his brother, Vernon Haney, and his son, Edward, are declared to have gone to the Owen plantation near here Saturday night and carried away the colored tenants over which the dispute arose. After leaving the Owen plantation they were over taken by Owen and Mrs. Owen, both reportedly armed with rifles. In the ensuing affray, Forest Haney was shot through the heart and Mr. and Mrs. Owen beaten to death by the Haney relatives.

Edward Haney confessed that he grabbed the rifle from one of the Owenses, knocked them both down and beat them with the butt of the weapon. Owen died within a few minutes and his wife died later in a hospital. Edward Haney has been charged with murder.

Houston, Tex.
The Informer

Miss. Town Has Blackout For Mob's Manhunt

OCT 31 1942

Staff Correspondence

Hazelhurst, Miss.—This little town, located on the I. C. railroad between Jackson and New Orleans, had a blackout two Saturday nights ago. No Nazi bombers hovered above, but the citizenry were confronted with a task that required the protection all cowards bent upon doing a dirty job require. The smoke screen afforded by darkness.

John A. Catchings, Negro had fatally shot Deputy Sheriff John Box. Decent Negroes nor whites condoned the killing. All were willing to see justice take its course.

Some remnants of the unhappy past thought differently. The only justice they knew was Judge Lynch.

Pandemonium Reigns

Negro citizens were frightened from the streets. Pandemonium reigned, many innocent persons fearing that the blood thirsty mob might give vent to their anger by punishing them for what Catchings had done.

OCT 31 1942

One man, some say enroute to a job akin to defense, was severely beaten. A white would be mobster pulled a gun and menacingly pointed it at the bleeding piece of humble humanity.

Only the intervention of a state patrolman prevented him from shooting.

The only place of safety for this lone Negro on the streets of Hazel hurst was the jail. He was lodged there for.. safekeeping until.. his foreman was summoned. The foreman angrily told officers that the man was badly needed on his job and secured his release.

Meanwhile Catchings had successfully eluded the law and no word was heard from him until Governor Paul B. Johnson received what he called a "smart alec" letter from him, purportedly from Chicago.

OCT 31 1942

In the note Catchings said:

"Send your troops ahead. I'm here until November." The governor said he was convinced that the card was written by Catchings. He immediately offered $100 reward for Catchings' arrest. The slain officer's friends booster it to $300.

OCT 31 1942

FBI, Governor on Spot

The FBI, up to that time unable to identify any members of the mob that killed the "Illiterate Innocents," immediately took to the trail of the killer.

Events in the Hazelhurst manhunt placed both Governor Johnson and Attorney General Francis Biddle on the proverbial spot.

No reward has been posted for capture of the Shubuta or Laurel lynchers. Three lives are to be avenged therein. One life was lost at Hazelhurst.

In Mr. Biddle's case, if FBI men capture Catchings America and the world will be quick to ask how one man can be less elusive than two blood thirsty mobs?

Amsterdam Star-News
New York. N. Y.

"Ghost" Threat Arouses Jail

DEC 26 1942

But Slayer Fails to Keep Return Date

CANTON, MISS. (ANP).—All is quiet again in the city bailiwick as Thursday and Friday night passed without the return of Sylvester Brown, 35, executed at 6:30 Thursday morning for the murder of his wife, Dollie, on March 6.

Before being led away to the execution chamber, Brown told inmates of the bailiwick that he would "be back to see them tonight." Word spread rapidly. It get around not only among Negro prisoners but within a short time the white section heard of it.

INDIGNITIES RECALLED

Ordinarily it would be no problem to keep a Negro in the flesh confined to the prison's jim crow quarters. But when you're dealing with a ghost, that's different. You just can't keep the determined spirit of a dead black man from going where it very well pleases, segregation or not segregation. Then, too, what was there to prevent the wraith of Sylvester Brown from taking revenge for indignities heaped by white Mississippians upon his mortal body.

Furthermore, everybody knew how the doomed man had been attempting to get right with his Maker. During his stay in prison, Brown became a one-man revival. He sang hymns in a loud voice and when he wasn't singing, his praying could be heard for blocks surrounding the jail. Surely, if fervor meant anything, he ought to be able to get a special concession which would let him keep his promise.

And besides, as they thought back over the murder which brought him —to the effect Mrs. Roosevelt was capable of anything.

SHOT AT THEM ALL

DEC 26 194

The slaying occurred at the home of his wife's parents near Pickens, Miss., after Brown earlier in the day had filed to make up with Mrs. Brown. Angered, he returned to his home in Goodman, Miss., and entered a notation in the family Bible. It said:

"Dollie Brown, wife of Sylvester Brown, died on March 6, 1942."

He returned to his wife's parents' place and poured oil on the dwelling. After setting it afire, he stood with a shotgun and shot at everybody coming out. One blast struck his estranged mate, killing her instantly. Another struck their 10 year old son. His wife's mother and father were seriously wounded and even the family dog got a charge of buckshot.

With these facts in mind, superstitious prisoners — and for that matter, some of the officers — awaited Thursday night with some degree of apprehension. And when the sun rose Friday morning, a good many of the Negro prisoners seemed pale from loss of sleep while white inmates had dark circles from their eyes.

Kansas City Call
Kansas City, Mo.

Killings Reduced In 1941

JAN 9 - 1942

New Low Established In Last Year

KANSAS CITY, Mo. — A new low was established during the year 1941 when murders of Negroes by Negroes was reduced to 11, with two Negroes listed as killed by white persons.

Following a fight made for many years by civic agencies and the police department of Kansas City, the courts have meted out punishment to offenders of the law, thereby reducing the crime rate.

Listed by the Kansas City police department are the following homicides, with the dates:

JAN 9 - 1942

Henry Harrison, January 25.
Willie B. Gay, March.
Leon Hall, May 7.
Andrew Burns, June 6.
Nathaniel Quick, June 22.
Robert M. Day, July 5.
Edward Channey, August 2.
Floyd Johnson, August 15.
William Clark, August 29.
Joseph Lee, October 10.
Everett Wade, December 7.
Lewis Terrill, December 11.
Frank Hampton, December 12.

Many of the cases listed as homicides have been cleared during the past year with few held over for the January term.

pittsburgh Courier
pittsburgh, Pa.

MAN-HUNT CONTINUED BY POLICE

JAN 3 - 1942

ST. LOUIS, Mo., Jan. 1— Willie Mitchell, prominent Elk and sportsman, has offered a reward of $200 for any information leading to the arrest of the murderer of seven-year-old Geraldine Brookfield, found Saturday morning, December 20 in an alley near the Jefferson and Market street intersection. Funeral services for the little girl were held Wednesday from Mother Brown's Spiritual church with the Hughes Funeral Home in charge.

The daughter of Mr. and Mrs. Brookfield, 2225 Market street, Geraldine was well known as a Courier salesgirl. She was last seen Friday night by a playmate. Early Saturday morning, her mother notified the police that the child was missing and had not returned home. About 6:30 a. m. Silas Milton, janitor at the Douglass Hotel, Beaumont and Lawton street, discovered the body, blood stained and bruised, lying on an ash pile.

The police were immediately notified and an intensive search for the murdered has been in progress ever since. Attaches at the Homer Phillips Hospital stated that death was due to strangulation. The only clue so far is a blood stained handkerchief.

JAN 3 - 1942

Kansas City Call
Kansas City, Mo.

High Price of Neglect

JUL 17 1942

The killing of a white man by a crazy Negro, which shocked Kansas City a couple of weeks ago, is one of the evils that enforcement of the law, as interpreted by the Gaines decision, will cure.

Our effort to apply the principle of equality before the law has been in education, but we are not limited to that field. The American rule is that all stand on equality in everything public.

This killer, already known to be insane, should not have been at liberty. Somehow or other, hospitalization of mental cases is viewed as a service to them. Because Negroes are not on equality, they do not get hospitalization. Their insane walk the streets, just as for years their tubercular went untreated.

When this neglect of us affects whites, the evil done is thrown in our faces in bold headlines as though we were to blame. In 1927 fully three thousand of us were thrown out of employment here in Kansas City because a statement to the effect that we were highly tubercular was broadcast in the press. Had there been added the fact that Kansas City maintained a charnel house on Hospital Hill as a Negro Tuberculosis hospital while operating a scientifically perfect sanitorium for

33-1942

Chicago Tribune
Chicago, Illinois

3 NEGRO SOLDIERS SENTENCED TO LIFE IN HOLDUP KILLING

FEB 21 1942

Mount Holly, N. J., Feb. 20 (AP).—A jury of six men and six women today convicted three Negro soldiers of murder in the holdup-beating of Irvin Hasbas, 40 years old, Trenton jewelry salesman. County Judge Frank A. Hendrickson immediately sentenced the trio to life imprisonment, acting on the jury's recommendation for mercy.

Convicted were Privates Charles T. Gilmore, 17; Robert Lee Wilson, 20, and Henry Johnson, 19, all of Cleveland, O.

FEB 21 1942

Habas was slugged and robbed of $1,000 in sample jewelry last Dec. 3 as he left the Fort Dix reservation.

Daily World
Atlanta, Georgia

Soldiers Get Life Terms For Murder

FEB 25 1

MOUNT HOLLY, N.J.—(ANP)—Life sentences in the state prison were meted out by Judge Frank A. Henderson in Burlington county court of Oyer and terminer here Friday to three soldiers attached to the 372nd infantry at Fort Dix, after a jury had convicted them of murdering Irvin Habas, 40-year-old white Trenton (N. J.) jewelry salesman. who was fatally beaten in a holdup December 3.

All federalized national guards men from Cleveland, the defendants were Charles A. Gilmore 19; Robert Wilson, 20; and Henry L. Johnson, 19. The jury recommended mercy, although the prosecution had asked for the death penalty.

FEB 28

William G. Johnes, 25-year-old soldier, from Buffalo, N. Y., also stationed at Fort Dix, was sentenced to life imprisonment Friday by Burlingotn County Common Pleas Judge Frank A. Hendrickson after he changed his plea from innocent to no defense to the charge of slaying Sgt. William A. Sims, 22 year old Atlantic Citian. Sims was shot dead Nov. 15 after reprimanding Jones during a drill. Both were members of the 372nd infantry.

afro-American
Baltimore, Maryland

4 Soldiers Get Life in Killings

FEB 28 1942

MT. HOLLY, N.J.—Four Fort Dix soldiers involved in two murder cases on the military reservation were sentenced to life imprisonment, here Friday by County Judge Frank A. Hendrickson.

After he changed his plea from innocent to guilty, Pvt. William Glenn Jones, 25, was sentenced for the fatal shooting last November 15 of Sergeant James A. Simms of Atlantic City.

The State charged that Jones, bearing a grudge over a quarrel with the non-commissioned officer the evening before, shot Simms through the head with a service rifle as the latter left the company barracks for morning mess.

FEB 28 1942

Jewely Salesman Victim

The other three defendants charged with the hold-up slaying of a white jewelry salesman as he left the reservation on December 3, were convicted by a jury which recommended mercy.

Jesse Owens, Olympic track star, now connected with the Office of Civilian Defense, testified as a character witness for one of the accused youths, Pvt. Charles T. Gilmore, 17, whom he knew as an athlete in Cleveland.

The other defendants were Pvts. Robert Lee Wilson, 20, and Henry Johnson, 19, also from Cleveland.

New York Times
New York, N. Y.

GIRL FOUND SLAIN OUTSIDE THEATRE

OCT 6 - 1942

Body Marked by a Terrific Beating Left Behind New Brunswick, N. J., Movie

POLICE SEIZE A SUSPECT

Manager of Opera House Says He Heard of Brawl That Three Men Engaged In

NEW BRUNSWICK, N. J., Oct. 5—The nude, beaten body of Marian Oliver, 20 years old, of 70 Louis Street, an employe of the E. R. Squibbs & Sons plant on Georges Road, was found early this morning in a weed-grown section of a backyard at the rear of the Opera House.

The body was so badly beaten that the police could not identify it immediately. It was evident that the 97-pound girl had put up a furious struggle against a powerful assailant. Her neck was broken, her skull and both jaws fractured and there were bruises all over her head and shoulders.

A half hour after the crime had been discovered Chief of Police Frank W. Masterson and Detective James McCormick had a Negro suspect in custody. The suspect was not confronted immediately with the murder charge, but was put in solitary confinement, with no knowledge of why he was being held. Meanwhile the police searched his home without disclosing what they found.

OCT 6 - 1942

Blackjack Is Found

According to the police, it was evident that the young woman had been attacked when she entered the lounge off which the washrooms of the movie house are situated. The police believe she was killed with the blackjack that was found in the washroom. Blood in the passage leading to the stage led police to believe that the murderer dragged his victim from the lounge down the narrow passageway to the stage, and from there up two flights of a winding staircase to the second floor. From there the murderer threw the body out a window, after removing the sash.

Near the sound equipment on the stage, the police found a blood-stained envelope, addressed to the woman, which led to her identification. Blood-coated buttons, apparently torn from her garments were found in the washroom and on the stage.

It was found that the girl had been living with Mrs. Mary Solomon in Louis Street for about a year.

OCT 6 - 1942

Boy Discovers Tragedy

The body was found at 9:25 A. M. by 14-year-old Thomas Faro, son of Mr. and Mrs. Fred Faro, Shureman Street. The boy said he noticed a white object at the back yard of his home, investigated and found the body in high weeks at the rear of the theatre. Running into the house, he told his mother of the discovery, and she asked a neighbor to notify the police.

Max J. Jelin, manager of the theatre, said this morning that he had been told of a scuffle at the movie house between 10 and 10:30 last night, but he did not believe it was anything more serious than a fist fight between his porter and three young men in the lounge. Mr. Jelin had been away all day and had not been at the theatre when the fight occurred. When his mother, Mrs. Michael Jelin, told him of the scuffle as soon as he got home he went immediately to the theatre, where he found blood stains in the lounge and in the washrooms, and also a trail of blood leading backstage.

Mr. Jelin spoke to the porter, who told him he saw one of three young men who had been fighting washing bloodstains off his hands. He also said that he was able to get a good description of the three before they fled and this description was given to the police.

An autopsy showed the girl had not been criminally attacked.

Bystander
Des Moines, Iowa

Fort Dix M. P. Gets 10 Years for Slaying Soldier

DEC 31 1942

Ft. Dix, N. J.—James Greggs, Georgia-born white M. P. who shot and killed Pvt. David Woods of Chicago outside a Fort Dix theater last month, was convicted of manslaughter and sentenced to 10 years at hard labor by a military court martial.

A report of the slaying revealed that a large group of colored soldiers were lined up waiting for admission to a theater at Ft. Dix. On duty with this crowd was a white military police, Private Greggs. Private Woods as standing out line when the M. P. told him to get in line.

DEC 31 1942

Witnesses revealed that Private Woods replied that it was not necessary for him to be in line since a friend of his was purchasing his ticket for him. "The M. P. told him to get in line anyway and when Private Woods hesitated the M. P. told he would count three and that if Woods were not in line by then he would shoot. The M. P. shot and killed him."

Theater Porter Is Silent At Murder Arraignment

Courier-Journal
OCT 7 - 1942
Louisville, Ky.

New Brunswick, N. J., Oct. 6 (U.P.)—John Swan, six-foot four-inch 200-pound Negro who had been discharged from the Army for being "unfit and inept," stood silent and stolid today when he was arraigned on a charge of beating pretty Marion Oliver, 20, to death in a theater restroom while 500 persons watched a gangland comedy on the screen.

Swan, from Helena, Ark., had been employed at the theater as a porter for only two weeks after his discharge from the Army at Fort Dix. He was inducted in Chicago. A plea of "not guilty" was entered for him at his arraignment before Recorder Zolton Takacs, but Prosecutor John A. Lynch said Swan had given a statement admitting the murder but had not signed the statement

Story of Slaying Told.

Swan's story, according to Lynch, was that he was sitting in the theater lounge when Miss Oliver, a pretty Irish-Hungarian orphan employed in a chemical factory, came out of the auditorium and went into the restroom. Swan followed her, grabbed her, kissed her and struck her. The girl fought back, and with successive blows of his fist Swan broke her jaw and bruised her skull. When she finally became unconscious, he dragged her down a narrow passageway and took her backstage. There he stripped her, intending to rape her, but found her dead.

OCT 7 - 1942

He went back to the washroom to clean up the bloodstains and put two chairs against the door. Two ushers saw him and he told them he had had a fistfight with three men.

OCT 7 - 1942

Disposes of Body.

Lynch said Swan then went back to the dim stage, bundled up the girl's clothes, putting her wallet and a diamond ring from her finger in his pocket. After the show was over and the theater empty, he dragged the body up two flights of winding stairs and shoved it through a window. It fell into tall weeds in a vacant lot.

Then he hid the clothes in an abandoned icehouse.

Swan explained about the blackjack which was supposed to have been the murder weapon. He planted it in the theater himself yesterday. He got it from a saloon keeper.

OCT 7 - 1942

Two relatives of Miss Oliver were located today in New Brunswick. They are her grandfather, Joseph Janiga, and a great-aunt, Mrs. John Mayo. It was also reported that she has a stepmother living and that her real name was Gizella Mary Forepough. She was said to have taken the name of Marian Oliver after she left the Bethlehem Hungarian Home for Orphan Children at Ligonier, Penn.

Washington Post
Washington, D. C.

Slayer of Girl In Crowded Movie Sentenced to Die

OCT 7 - 1942

New Brunswick, N. J. Nov. 19 (AP).—Death in the electric chair January 4 has been ordered for John Henry Swan, 6 foot 4 Negro who battered 20-year-old Gizella Mary Forepough to death with his fists in the movie house where he was a porter.

N. Y. - 20,493

Swan was convicted of murder and sentenced yesterday on his own admission that he had followed the pretty, slightly built girl into the lounge, pummeled her in the women's room, dragged her backstage and stripped her body of clothing behind the screen while 500 persons watched the picture on its other side.

Then he dumped her nude body from a second-floor window, hid the clothing and went to a saloon for a "triple shot" of whisky.

A sister, Mrs. Mattie Shaw of Chicago, collapsed when Judge Adrian Lyon pronounced sentence in Middlesex County Court.

World-Telegram
New York, N. Y.

Husky Porter Admits Killing Girl in Movies

OCT 6 - 1942

Special to the World-Telegram.

OCT 6 - 1942

NEW BRUNSWICK, N. J., Oct. 6.—John Swain, 26, a powerful, six-foot four-inch Negro, charged with the brutal slaying of pretty Marian Oliver, 20, was sitting watching a movie in the Opera House Theater on Liberty St., according to Middlesex County Prosecutor John Lynch, when he was overcome with a desire to attack a woman.

Swain, employed as a porter at the theater since his discharge from the army last month as "unfit for duty," decided to follow the first unaccompanied girl to the lounge, Mr. Lynch said.

Confesses Slaying.

Then, according to the confession he gave the prosecutor, he did the following things:

Catlike, he moved up behind the girl and attempted to caress her. She broke away, but before she could cry out he choked her.

Miss Oliver struggled violently as he continued to embrace her, but any sounds she made were lost in the laughter of the audience watching a comedy on the screen.

OCT 6 - 1942

Swain tried to drag the girl into a corner, but she fought fiercely, biting and scratching. Suddenly fear overcame him and, he told the prosecutor, he became enraged and commenced beating her with his fists. He used no weapons, he said, but smashed her head against a radiator.

Leaves a Trail.

Then, as the audience a few feet away continued to sit absorbed with the picture, Swain dragged the girl's body along a passageway, up onto the stage in the rear of the screen, and thence to a vacant lot in the back of the theater. He left a trail of blood on the carpet and steps.

In the yard, he said, he tore off her clothes before throwing her into a clump of tall grass. He denied criminally attacking her and medical authorities said there was no evidence he had.

Today he led police to an abandoned ice storage house near the theater, where he had hidden the blood-stained clothes in a pasteboard box. From beneath the linoleum in his home he produced her diamond ring.

OCT 6 - 1942

Girl an Orphan.

Questioned yesterday by police, soon after Miss Oliver's body was found, Swain, a bridegroom of a month, said he had fought with three men he found washing bloodstains from their hands in the women's lavatory. He said the men escaped, after knocking him down, and indicated they were responsible for the slaying.

Today, arraigned before Recorder Zolton Takacs, he stared dully as the murder charge was read. He showed no emotion and made no answer to questions, but uneasily shifted from hand to hand a pair of overshoes he was carrying when arrested and which he refused to leave in his cell.

Funeral services for Miss Oliver, who was employed by E. R. Squibb & Sons, here, will be held Thursday. An orphan, her nearest relative was her grandfather, Joseph Janiga, of 22 Division St., this city.

World-Telegram
New York, N. Y.

Negro, Aspiring To Be 'Numbers' Boss, Slain

Special to the World-Telegram.

OCT 30 1942

ENGLEWOOD, N. J., Oct. 30.—Scarcely a day passed during the last few weeks in which David Giles, 45, a Negro liquor store owner, didn't mention to someone that he was busy with plans to make himself the "big boss" of the numbers racket in Harlem, according to police.

He boasted openly of what he intended to do, they said, so openly, in fact, that policemen themselves heard of his intentions and knowingly shook their heads. Somebody wasn't going to like it, they said to one another.

And last night David Giles' boasts came back to him—in lead.

Enter Two Men.

He was counting some $1000 in cash in his liquor store, 220 William St., when two swarthy white men, hats pulled low over their eyes, walked into the store. They said not a word, but moved straight toward Giles.

OCT 30 1942

Both pulled guns and one fired a single shot. The slug tore through Giles' head and he crumbled to the floor, his hands clawing at the bills which littered the counter.

Then as three employees stood aghast, the two men moved behind the counter and bent over Giles. They fired five more shots, four of which struck him.

They straightened up and swung on the Negro employees, two of them Charles Hampton, of 202 Third St., and Sadie Murph, of 163 W. 136th St., Manhattan, threw themselves behind counters, but Hampton's brother, Edward, 23, a delivery boy, was not quick enough.

Shot in Back.

The killers fired three more shots. One of them struck the boy in the back.

OCT 30 1942

Pocketing their guns and leaving the cash on the counter, the men walked out.

Giles, taken to Englewood Hospital, died a short time after his arrival. Hampton was listed as in serious condition in the same hospital.

Giles, who operated the store in partnership with his wife, Clara, according to Police Sgt. Harry Maxwell, had been arrested here several times during the past five years in connection with the numbers racket.

OCT 30 1942

Police said they knew he was anxious to expand his activities in the racket in Harlem and indicated that he already had established a headquarters there.

Time
Chicago, Illinois
CRIME

Man Alone

JAN 19 1942

Since the gates of Sing Sing's death house closed on him last May, no one had ever come to see Negro Isaac Richardson, 28, no one had ever written him a letter. But the State had not forgotten him, nor the murder he had committed during a holdup. Last week the warden notified him that time had come for him to die. Said Isaac Richardson: "This is a bright sunny day for some people but not for me." When he went to the electric chair, he said nothing.

JAN 19 1942

New York Age
New York, N. Y.

Policeman Suspended For Being On Scene Of Fatal Shooting

JAN 31 1942

Charged with neglect of duty and violation of department rules, Patrolman Oscar W. Ryan, Negro policeman, connected with the West 135th street police station, was suspended on Thursday afternoon by Michael A. Lyons, third deputy commissioner.

The suspension followed investigation of reports that Ryan was present early Thursday in a Harlem bar and grill when a 65-year-old painter was shot to death during a holdup attempt.

An earlier fear that Ryan would be implicated as the possible slayer of the elderly victim was eliminated when reports revealed that Ryan's revolver, which he allegedly aimed at the robber, was not loaded at the time. Although on duty, the policeman, it is charged, was outside of his district when the shooting occurred.

JAN 31 1942

Some of the patrons of the bar and grill, 1748 Park avenue, stated under questioning by Deputy Chief Inspector Edward M. Butler, that the patrolman had fired when the robber entered the place. The patrolman denied this. He said his gun was empty and the cartridges in his pocket.

Ryan told his superiors he aimed at the man and pulled the trigger of his gun, but it merely clicked.

New York Age
New York, N. Y.

SOLDIER KILLS V. I. NATIVE

FEB 21 1942

Another Seriously Hurt When Soldier Goes On Rampage With Gun

FEB 21 1942

Announcement was made by Secretary of the Interior Harold L. Ickes on Friday that the government is prosecuting two white soldiers for fatally shooting one and wounding another Virgin Islands native last month in St. Croix.

The announcement came in a report to the American Virgin Islands Civic Association of which Ashley L. Totten is president. According to the report, an air mail communication dated February 6 was received in the Department of Interior from Governor Charles Harwood who said:

"At about 3 p. m., January 26, 1942, Ralph Lee Orr, a continental American soldier on duty at Benedict Field Airport, St. Croix, temporarily off duty at the time, approached the entrance gate to the airfield where witnesses state he picked up a rifle belonging to the sentry on duty, Randal T. Robbins, another continental American soldier. He pointed the rifle at two native boys, Joseph Allen and Enaro Civil, inquiring as to their names, and threatening to shoot them.

FEB 21 1942

"The gun was discharged and the bullet passed through the front of Allen's stomach from one side to the other, and then passed through the muscle of the right arm of Civil and through the flesh of his right breast. Both victims were immediately taken to the hospital in Frederiksted. Allen died a few minutes after admittance to the hospital. Civil is reported to be recovering.

"Ralph Lee Orr has admitted having fired the shot. He has stated that he does not know why he shot the boys as he had nothing against either of them nor any intention of killing Allen. He relates that he had drunk heavily for several hours immediately before the incident.

FEB 21 1942

"Randall T. Robbins, the sentry, stated that there was no bullet in the barrel of the rifle and he had the rifle standing by the gatepost entrance near his reach. He states that he did not see Orr pick up the rifle, but hearing the racking of the bolt on the rifle and seeing Orr point the rifle at the boys, he made an effort to grasp the rifle but it was discharged before he could succeed in retrieving it. Other witnesses stated that five minutes before the shooting ocurred, Orr had pointed the rifle at the victims; that Robbins had taken the rifle away from him and later replaced it by the post. Robbins denied this.

"Colonel R. B. Scobey, Commanding Officer of Benedict Field, has stated that both men were immediately apprehended and placed in a stockade. Formal charges of manslaughter were being drawn up against Orr for court-martial proceedings. No decision has been reached as to the procedure of punishment for Robbins, the sentry.

FEB 21 1942

"This is a most unfortunate incident. The Administration for St. Croix has been in close contact with the Commanding Officer at Bourne Field in an effort to have such action taken as will prevent similar occurrences in the future. I presume that the military authorities will prosecute both men vigorously."

Washington Post
Washington, D. C.

D.C.-Harlem Vice Ring Witness Slain; Two Held

APR 3 - 1942

New York, April 2 (AP).—The arrest of two material witnesses in the slaying of a Washington, D. C., Negro last Friday shortly before he was to testify here in the trial of a Washington vice ring, was announced today by Bronx District Attorney Samuel J. Foley.

Foley identified the slain man as Eugene Epps, 26, of 441 Rhode Island Avenue Northwest, considered an important witness in the prosecution of a large narcotics and prostitution ring operating between Washington and Harlem.

APR 3 1942

Epps's body was found on a Bronx lot. His failure to appear at the trial Friday night brought about an adjournment to April 13.

Negro Tells of Killing 'Wrong Cop' in 1932

MAY 12 1942

English Sterling, 32, a husky six-foot-two Negro, stated rather plaintively today in General Sessions the facts almost ten years buried in Harlem, which explain the mystery murder of Patrolman Michael J. Moroso.

They were the lush speakeasy days in Harlem when loose women, bartenders and policy runners lived high and handsome. But in the E. 100s, near Second and Third Aves., there was an incorruptible cop who would take no money and extend no tolerance.

Something had to be done about him and, Sterling testified at the murder trial of two former associates, eight special meetings were called to plot his sudden elimination. With a glance at the two defendants, Angelo Mendez, 30, a Puerto Rican Negro, and William (Wild Bill) Fragor, 33, a Negro, Sterling disclosed he had been practically dragooned into the plot.

The Murder Conference.

Back in 1932, Sterling said, he was shoveling coal on the East River barges when he was called into the first of the protracted conferences with Mendez and others. He said:

"They asked: 'Do you want to make some easy money?' and I said, 'Sure I do. What is it?' 'Well, we want a cop knocked off. The girls are raising hell and squawking and being kicked around by this cop.

"I said, 'I ain't going to kill anyone—not me.'"

Again, he testified, he protested:

"I never killed anybody- I ain't going to kill anyone. Don't pick on me."

MAY 12 1942

Got Into Fight, He Says.

He was so emphatic that he got into a fight with Mendez on the subject, and a little later four men came to his house, strung him up by the hands and beat him. Mendez then threatened that his two kids would be murdered. This was a joke on Mendez, however, which Sterling seemed to appreciate.

MAY 12 1942

"I did not have no kids," he testified; "I was just living with a woman who had two kids."

However, he saw the wisdom of joining the conspiracy and was present at one of the final conferences when Mendez chased his sweetheart, Prudence, out of the room, locked the door and drew out the murder diagram on a piece of brown paper. On Dec. 8, when Moroso was killed, Sterling was the rather unwilling lookout.

There was one last bitter jest to the thing, too, he testified. Moroso was the wrong cop. The incorruptible one was off duty that night and Moroso was just taking his tour for him.

The Daily Worker
New York, N. Y.

Anger Sweeps Harlem Over Police 'Murder'

Eyewitness Describes Beating, Then Killing of Young Negro Tuesday

MAY 14 1942

Wallace Armstrong, Negro, of 166 W. 128th St., who was shot twice and killed Tuesday night by a policeman, was a victim of police brutality, according to a dozen eyewitnesses.

They are angry and they want something done about it.

One eyewitness gave his name and address but asked that it be not used. He would be happy, however, he said, to appear as a witness in court at any time.

"I was at the corner of Seventh Ave. and 128th St., when this fellow Armstrong comes along. I didn't know who he was then. Never saw him before. And I don't suppose his own father, who the papers say sent for the ambulance to take him to the psychopathic ward, would've known him. He was so washed in blood."

Armstrong slumped westward on 128th St., a policeman following at a short distance, a club in one hand and a revolver in the other.

"Armstrong didn't seem to know anything. He was like a man walking in his sleep. His head was hanging and blood just flowed all over him from places on his head and face where the cops had beat him. The cop in the street kept on yelling to people to get out the way, because that fellow's got a knife."

"Police cars and mounted cops come pouring into 128th St. By this time Armstrong was near Eighth Ave., right next to that fruit and vegetable store on the northeast corner. The cops closed in on him, beating the very hell out of this poor guy's bloody head."

POLICE BEATING

"What did Armstrong do? Did he try to defend himself with the knife?"

"No. He didn't do a thing, but slump down, like this, on his knees, with his arm up to keep the cops from bashing his brains out."

The witness said he heard the policeman, later identified as Harold Reidman, say viciously:

"I'd like to kill the ——"

"Go on and kill him!" another cop urged.

The witness declares he will swear to it "in any court."

It was while the demented man—now completely crazed by the beatings about the head—was struggling to get to his knees again that Patrolman Reidman shot him—once. He lay still for a moment, then, groveling, he succeeded in struggling up. Reidman shot him again.

The crowd by this time was maddened with anger. A woman ran, shrieking "Murderer!" toward Reidman. He backed away, protected by fellow officers. They tossed the dead man into the ambulance and raced to the Harlem Hospital.

The crowd followed, augmented on the way by those who had learned of the killing. At the hospital they stormed the lobby, demanding that "justice" be done the patrolman. Policemen drove their horses into the crowd.

Councilman Adam Clayton Powell has announced a mass meeting in the Golden Gate Ballroom for 5 P. M. Sunday, at which eyewitnesses will testify and demands be made for the indictment of Harold Reidman and other policemen involved.

Amsterdam Star-News
New York, N. Y.

Indict Father Charged With Killing Own Kids

MAY 23 1942

Henry R. Stallsworth, the 26-year-old accused slayer of his own two children, was indicted for first degree murder this week and arraigned before General Sessions Judge Sullivan.

After hearing the indictment read to him, Stallsworth pleaded not guilty and was returned to his cell in the Tombs where he will be held without bail until a date for his trial has been set.

Meanwhile, Judge Sullivan is expected to name three lawyers to represent him.

MAY 13 1942

The defendant's children, Roderick, 2, and Earline, 7, were found strangled to death in a furnished room at 15 W. 121st St., last January 13. A note beside their bodies read: "You wanted the children, here they are. I am afraid my aunt, Minnie Mae West, will take them away from me."

Detective Booker, of the W. 123d Street station, was assigned to investigate and Stallsworth was arrested several weeks later in Pennsylvania.

Peoples Voice
New York, N. Y.

Recapitulation:
Slaying of Armstrong In Thumbnail Format

By JOHN LOUIS CLARKE

Wallace Armstrong, 30, of 166 w 128 st, was shot to death last Tuesday nite at 128 st. and Eighth ave., by Officer Harold Reidman, e 126 st precinct. Armstrong was mentally unbalanced, was about to be committed to Bellevue hospital by his father, who had called police for that purpose. Armstrong fought, Reidman called for help. Reidman, Patrick Smith, a third officer beat Armstrong into semi-consciousness. Reidman then stepped back, fired two shots into the helpless man's body.

Bystanders, eyewitnesses agree the killing was unnecessary, that three officers with nightsticks could subdue any one man. Armstrong held a knife in his hand, no one saw him attempt to use it. Police exhibited a slashed blouse, claim Armstrong did it, that Reidman shot in self defense. Eyewitness accounts disagree with that. The Peoples Committee held a mass meeting Sunday at the Golden Gate, some 7,000 attended. Police Commissioner Valentine refused to intervene, Mayor LaGuardia was indifferent, tried to call off the mass meeting, unsuccessfully. The case goes to the district attorney.

Negro Confesses Hotel Razor Killing

JUL 8 1942

Seized Near Scene, Tells of Quarrel

The violent death of John Erbs, building superintendent at the Hotel Wentworth, for a time described as "a probable suicide," today developed into murder with the confession of an itinerant Negro bootblack that he had slashed his friend with a razor.

The Negro, Albert E. Owens, 54, of 212 W. 58th St., was picked up by detectives last night at the corner of 46th St. and Sixth Ave., near the hotel where the slaying took place early yesterday. Erbs' nude body, mutilated and slashed at the throat, was discovered in the penthouse apartment he occupied.

At the W. 54th St. station Owens told Deputy Inspector Conrad Rothengast he had known Erbs for some time. They had quarreled recently, he related.

On Monday night after seeing the building superintendent in a midtown bar with another person, Owens went to the hotel to wait for him.

When Erbs appeared, according to the Negro, the superintendent let him into the hotel by the sidewalk elevator and took him to the roof apartment.

There they quarreled again and the Negro slashed the superintendent about the body and neck with the razor, later found cleaned in an adjoining room.

Owens then said he descended by the service elevator to the cellar where he asked the way out from a hotel porter. This fact was not told to police until later. A short time after they had a description of Erbs' visitor the arrest was made.

After booking on a charge of homicide, Owens was taken to the hotel today where he re-enacted the slaying. Later he appeared in the police line-up conducted by Acting Capt. John G. Stein. According to police he has been arrested eight times since 1915. On one occasion he was given a term in Sing Sing for assault and in 1926 served a year in Atlanta for violation of the Harrison Drug act.

Erbs, recently promoted to superintendent from chief engineer, had lived with his wife, Mary, at 312 W. 90th St., until two weeks ago

33-1942
New York Age
New York, N. Y.

MOB ESCAPES ARREST IN MURDER OF BROOKLYNITE

AUG 15 1942

Evidencing the callously indifferent attitude of Brooklyn police toward Negroes of the Stuyvesant-Bedford district, the story of the brutal slaying of McKinley Kettles, 17-year-old Brooklynite of 687A Gates avenue, was revealed to The New York Age this week.

Police of the Seventy-Ninth Precinct had arrested Dinstan Healy, 156 Albany avenue, and Gordon Cook, 219 St. James place, in connection with the killing which took place July 24, but the sordid details were just released on Saturday.

Mrs. Kettles, mother of the slain youth, told The New York Age reporter that her son had been killed by a mob of twenty-five youthful gangsters who chased him and his fiancee home from a party. All of them were armed, Mrs. Kettles, declared, some with sticks, clubs and bottles, and at least ten with switchblade knives, and one with a large butcher knife.

Young Kettles and his girl friend (whose name is withheld by The New York Age) were reportedly returning from a party in downtown Brooklyn when they were accosted by one of the fellows who had been at the party. The latter allegedly insulted Kettles' fiancee, resulting in a fight between the two. Kettles won the fight and left the offending stranger to nurse his wounds.

When Kettles and his girl reached Gates and Tompkins avenues, they found they were being pursued by a mob of twenty-five, including friends of the lad Kettles had beaten.

The pair ran to the Gates avenue precinct a block away, and appealed to detectives for protection. Instead of taking them home in a partol car as is customary in such cases, the police told Kettles and the young lady to walk home and said they would follow.

They followed, but only for a block, The Kettles home is a block and a half from the precinct. When the detectives turned back to the precinct, te mob came around a corner. They had ducked around the block to avoid the police. They gave chase to the couple and caught them in front of the Kettles home.

The mob surrounded Kettles and beat him, making so much noise that the attention of Mrs. Kettles was attracted. The youth's mother rushed to the street in her night clothes and frantically attempted to separate her son from his attackers.

One of the assailants, armed with a large butcher knife, pushed Mrs. Kettles against the stoop, held his hand over her mouth and kept her from yelling or sruggling while the mob stabbed the lad in the back, on the leg and beat him senseless.

Mrs. Kettles had horror in her voice as she recalled that the youth who was holding her, said to the mob:

"C'mon, let's kill the son of a b——".

With that, she says, he reached over her and stabbed Kettles with the butcher knife he held in his hand.

Mother Threatened

The slain youth's mother told THE AGE that despite the fact that she and Kettles' fiancee had identified other members of the gang to police, nothing further was being done to make additional arrests. She said she fears her life is in danger as she has received warnings that she will "get it" if she dares to talk to police about those of the mob who are still at large.

The funeral services were held from Holiday and Holiday Undertaking Establishment. Kettles, born in Albany, Georgia, was the only child. His father died when he was a baby. He had gotten working papers from the William Gann High School to aid his mother financially and was to have been married in the near future. The murdered youth was a talented artist and was skilled with water colors.

NEW YORK

World-Telegram
New York, N. Y.

Harlem Cop Kills His Third Mugger

AUG 18 1942

Fires After Thug Shoots At Him in Holdup Battle

Patrolman John M. Bou had another of his mornings in Harlem today—and when Patrolman Bou has a morning the Harlem muggers know about it.

He's had them before. He has shot and killed two muggers on occasion, even though he was outnumbered as much as three to one. He has captured others. He has been shot at countless times in his mere six years on the force and he always has come out on top, unhurt. When Patrolman Bou has one of his mornings things happen.

AUG 18 1942

Two Sailors Accosted.

They happened today. The patrolman, who is assigned to Commissioner Valentine's confidential squad, was strolling through Harlem about 6:30 a. m., followed by Patrolmen John Calkins and John Cusker, a couple of probationers he was helping to break in, when he spotted a familiar and unpleasant circumstance.

He saw a Negro accost two British sailors and a British civilian. He stopped and observed a little parley. He saw the four stroll toward 112th St. and Lenox Ave. and go into 29 W. 112th St.

That house has a history. In that hallway Stanley Kolbusz of Holyoke, Mass., was mugged and stabbed in the heart last month. Physicians made a heroic effort to save his life by taking stitches in the heart itself, but the victim died Aug. 2.

AUG 18 1942

Battle Royal Starts.

With Patrolmen Calkins and Cusker, Bou burst into the house and started for the Negro. They arrived too early—the mugging hadn't begun—and before they could explain who they were, the Negro, the sailors and the civilian lit into them.

For a while there was a literal battle royal in the hall. Bou's clothes were ripped to shreds and almost torn from his back. Fists flew and eyes were blackened until

Patrolman John M. Bou.

the Negro turned and fled. Dropping the sailors and the civilian, the police set out in hot pursuit.

Quarry and pursuers raced east to Fifth Ave., south to 111th St., west to St. Nicholas Ave. and north again to 113th St., where the Negro ducked into a tenement at No. 132.

Up the stairs he fled, Bou close behind and gaining. Calkins and Cusker further in rear. At the top floor Bou caught him.

"I grabbed him by the shoulder and he wheeled," the policeman said later. "He pulled a gun and fired two shots at me. I let go, pulled my own gun and fired five shots. I hit him in the chest and shoulders and he dropped."

He was dead by the time Calkins and Cusker arrived. Patrolman Bou, following his usual custom in such encounters, had not been touched by either shot the Negro fired from his .44 caliber gun, though his clothes hung in mere rags from the previous fight.

The Negro was identified from his fingerprints as Joseph Fulton, 32, whose last known address was 2475 Second Ave. He was arrested in 1927 on a charge of felonious assault but was discharged in Magistrate's Court.

His gun was of an unusual type. It was a Spanish-made revolver and had been sawed off to fit the pocket more easily. A slug from it, had it struck the patrolman, would have torn him wide open.

Bou, who is married and has one child, has had three similar encounters previously. He has been shot at, stabbed at and fought at. His clothes have been slashed to shreds, but he has never been injured.

His Third Victim.

In February, 1941, he killed one member of a Negro gang that tried to hold him up and assisted in the capture of others. In October of last year he killed another would-be holdup man. Previously he captured one who shot at him unsuccessfully.

He holds the Police Combat Cross, the National Surety Medal for Valor, three Honorable Mentions and one Commendation for his record. He received a silver medal and an award of $100 for saving the life of a man who had fallen in the East River.

He has been six years a policeman, is 32, and before his appointment was a radio repairman. He lives at 20 Mapleton Ave., Midland Beach, S. I.

His chief concern about his morning's work today was with the fight with the sailors and the civilian.

"They gave us a hell of a tussle," he said, "the whole bunch."

Peoples Voice
New York, N. Y.

Editor Gets Threat In Soldier Death

OCT 10 1942

Adam Clayton Powell jr, editor of PV, received two telephone threats over the past weekend, both apparently from the same person. On Friday, Rev. Powell received a call at his church office, Abyssinian Baptist, from a man identifying himself as "Major Bloodgood of the 3rd corps area." The caller, sneering at Rev. Powell's readiness to issue statements when Negroes are beaten up, challenged PV's editor to "issue a statement about the murder of the white soldier in Harlem" Powell at his home Monday, using by that name, according to army (mugging-slaying of Pvt. Berkowitz at 114 st and St. Nicholas Ave and which is never given out, Friday morning—Ed). repeating the threats, which have

The caller thereupon continued been reported to police.
by declaring that "we're going to In an effort to check this so-
get all you niggers up there" and called "major," PV called the pub-
hung up. lic relations office of the 3rd Ser-
OCT 10 1942 vice Command, but no one is listed
The same person called Rev.

New York Times
New York, N. Y.

SOLDIER IS SLAIN BY GANG IN HARLEM

OCT 3 - 1942

Victim of Muggers Found in Areaway of Church With His Pockets Turned Inside Out

WAS BEATEN AND STABBED

Air Warden Gives Clue That Starts Search for Suspects in Recent Attack Case

OCT 3 - 1942

Apparently the victim of muggers, Private Edwin Berkowitz, 22 years old, attached to the Medical Division at Fort Monmouth, N. J., was found slain at 7:30 A. M. yesterday in the basement areaway of the rectory of Our Lady of the Miraculous Medal Church, 114th Street and St. Nicholas Avenue.

The soldier, whose body showed evidence of the terrific struggle he put up for his life, was stabbed in the left chest. His nose had been broken, there were numerous cuts and bruises on his face and one eye was discolored.

Robbery apparently was the motive, for the soldier's pockets were turned inside and out and whatever valuables he had were missing. The killers, however, threw away his identification papers. A special leave pass, a bankbook and a letter were found near the body.

Harlem Area Searched

Captain Vincent Kiernan, acting borough detective commander, took charge of the investigation and immediately sent forty detectives into the Harlem area to track down the murderers.

At first the police believed the murder had been committed elsewhere and the body dragged and dumped in the church areaway, which is fifteen feet below the street level, but late yesterday this theory was discounted. The police said they believed the murder had been committed where the body was found.

OCT 3 - 1942

A few minutes before the body was discovered, Father Felix Caminos had left the altar of the church after saying early mass. He went to the rectory to confer with the pastor, the Rev. Jose Gomez. A woman burst into the rectory crying hysterically that she had found the body of a man in the areaway.

Both priests rushed to the scene. Father Gomez administered the last rites. Meanwhile the police were called. A crowd of several hundred persons gathered before the soldier's body was removed to the Bellevue morgue.

While detectives searched the neighborhood for witnesses, representatives of the Second Service Command of the Army arrived on the scene and conferred with police officials.

OCT 3 - 1942

Negro Muggers Sought

The police said they were concentrating their efforts on tracking down three known Negro muggers, who, they said, recently had received suspended sentences in a mugging case. The basis of the hunt for the three was an air raid warden's story.

The warden said that at 5:45 A. M. he saw three Negroes walking hurriedly from 114th Street and St. Nicholas Avenue north, where they entered a taxicab. The cab sped away, he said, and turned east in 115th Street, a westbound street.

The warden, whose name was given as Wilbur Thompson, but whose address was not divulged, said that as he was walking north along St. Nicholas Avenue below 114th Street and was about to cross the avenue, a woman called to him and said: "Don't go over there or you'll get mugged." The woman told him, he said, that she had seen a soldier go down some steps with three men.

Both the warden and the woman saw the Negroes running from the place.

OCT 3 - 1942

Stationed at Fort Monmouth

Private Berkowitz lived with his sister, Mrs. Jean Weiss, at 1135 Evergreen Avenue, the Bronx, until three years ago when the 258th Field Artillery, a National Guard unit to which he belonged, was taken into the Army. About four months ago he was transferred to the Medical Division at Fort Monmouth. His parents, Mr. and Mrs. William Berkowitz, live at 2 Prospect Avenue, Hackensack, N. J.

Later in the day, Police Commissioner Valentine, in response to a question about the Harlem muggings and killings this year, said that since Jan. 1, not including the Berkowitz stabbing, five persons had been murdered in Harlem by muggers. One was a member of the armed forces, he said. In addition, the commissioner said, five members of the armed forces have been attacked by muggers in Harlem this year.

"In the five homicides in Harlem since Jan. 1 this year," he said, "including, of course, the member of the armed forces who was killed, and also the five muggings of members of the armed forces, these cases have all ben closed with arrests."

Amsterdam Star-News
New York, N. Y.

SENTENCE 3 IN SLAYING

DEC 19 1942

2 Puerto Ricans to Die; Recalls Smear Campaign

DEC 19 1942

A case in which daily papers attempted unsuccessfully to smear Harlem was concluded with the sentencing on Thursday of three Puerto Rican laborers in connection with the brutal murder of a Fort Manmouth, N. J., soldier.

DEC 19 1942

A jury in General Sessions Court found the three guilty and recommended life imprisonment for Americo Romano, 19, of 11 W. 111th St. The other two of the trio, Benitez De Jesus, 18, of 16 W. 110th St., and William Diaz, 18, same address, face death in the chair.

The victim, Private Edwin Berkowitz, 22, of the Fort Monmouth Medical Division, was found murdered on the morning of Oct. 2 in the basement areaway of the Church of the Miraculous Medal, 114th St. and St. Nicholas Ave.

Assistant District Attorney Jacob Grument stated during the trial that the trio met the soldier in a Harlem night spot and offered their services in "showing him a good time." Grumet charged that they lured him to the church, and stabbed him to death. The killers took $6 from Berkowitz's pockets.

De Jesus allegedly made a five-page confession.

DEC 19 1942

Daily newspapers, fanning the flames of a smear-Harlem campaign raging at that time, headlined the killing prominently.

33-1942

Raleigh, N. C., News & Observer
August 2, 1942

WARSAW MAN IS HELD FOR DEATH OF CHILD

Goldsboro, Aug. 1.—Curtis Anderson, 48, Warsaw white man, was ordered held under a $1,000 bond on a charge of manslaughter for the death of James Earl Branch, four-year-old Negro boy. Posting bond for his release were J. B. Quinn of Warsaw, C. C. Ivey and G. E. Alphin, both of Duplin County.

Firemen Hubert Lancaster and Lee Sanford, testified that while they were conducting a "sprinkling party" for Negro children at the corner of Elm and James streets on Wednesday that Anderson, against their orders, drove into the zone reserved for the children. A rear wheel of his truck ran over the child, fatally injuring him, the firemen said.

E. A. Thornton, director of Negro recreation facilities in Goldsboro, said he stepped in front of the truck, waved his arms, blew his whistle, and said, "You can't go through here."

Thornton quoted Anderson as saying "Who can't? To hell with you, get out of the way."

Charlotte, N. C. Observer
May 17, 1942

Judge [illegible],
Mecklenburg Superior Court.
Dear Judge Pless:

All Negroes of Charlotte who are inclined to rowdyism and fighting and murder, should have heard your statement in court Friday in connection with the function of sentencing three colored persons to serve long terms at hard labor in the State's prison after they had been convicted of manslaughter.

They should have taken note of the fact that these three Negroes, convicted of killing three persons of their race all within one week-end, April 11-12, were sentenced to maximum terms of 16 to 20 years and minimum terms of 12 to 18 years, even though they were not charged with first degree murder nor convicted of second degree murder.

They should have taken particular notice of your timely and appropriate statement that:

"There are so many killings in the colored sections of Charlotte that something must be done to make human life more safe. At this term of court we have tried three murder cases which occurred on one week-end. Out of four tried, three defendants were convicted of manslaughter and the other was acquitted. In each case there was evidence that both the deceased and the defendant were willing to fight, and that blows were struck by both. The result is that under such circumstances the loser goes to the grave and the winner to the penitentiary. The courts must accept their part of the responsibility for a situation that causes three human lives to be lost on one week-end, and attempt to correct it if possible."

I was glad that you took notice of the fact that the Charlotte Police department has cleared up all the 84 homicide cases in this city since January 1, 1940—an even dozen this year, 25 last year and 47 year before last—which I believe any one would regard as a record deserving of high commendation.

GENERAL MECKLENBURG.

Chicago Defender
Chicago, Illinois
OCT 17 1942

WHITE MORON RAPES, KILLS MOTHER OF 5

Takes Victim From Home At Point of Rifle And Slays Her in Woods

OCT 17 1942

LAURINBURG, N. C., (ANP)—Scotland county police this week redoubled their efforts to apprehend a white rapist who Saturday night forced a colored woman into the woods at the point of a rifle and after attacking her fired three bullets into her body.

The victim, Mrs. Avis McGee, mother of five small children, was found in a dying condition and rushed to a Bennettsville, S. C. hospital. Sheriff W. D. Reynolds said that just before dying the woman stated that a white man came to her house with a rifle while her husband was at McColl, S. C.

She said that when the man learned her husband was not at home, he forced her, in the presence of her children, to go with him into the woods where he raped, then shot her. Scotland county officers are being aided in the search for the rapist by officers of Marlboro county, S. C.

OCT 17 1942

The McGee family lived on the D. L. McLaurin farm near the North Carolina-South Carolina line.

Pittsburgh Courier
Pittsburgh, Pa.

Governor Lauds Sheriff For Capture Of White Slayer

OCT 17 1942

OCT 17 1942

Mixed Posse Aids in Capture of 22-Year-Old McColl, S. C. Murderer—Attacker to Face Trial Near Scene of Heinous Crime

OCT 17 1942

RALEIGH, N.C., Oct. 15—Sheriff W. D. Reynolds, of Scotland County, was commended by Governor J. M. Broughton last week for "diligence and efficiency" in bringing about prompt arrest of Earl Pressly, white youth charged with the sex-slaying of Mrs. Avis McGee, the former Iris McGinnis, at Lumberton, N.C.

Governor Broughton's wire said:

"I am glad to see that you were as diligent in investigating the criminal assault and murder of a Negro woman by a white man as you would be in bringing to justice a Negro man who wronged a white woman."

NABBED IN TENNESSEE

Pressly, 22-year-old South Carolinian, was arrested late Monday evening, Oct. 5, in Erwin, Tenn. to which point he had fled following the fatal attack Saturday night, Oct. 3. He will be tried in Lumberton.

OCT 17 1942

Pressly, who lives at McColl, S.C., made his attack upon the young mother with a gun, and in the end, shot and killed her when she resisted him.

IDENTIFIED SLAYER

On her death-bed, Mrs. McGee reportedly described her attacker well enough to identify him for police. Shot twice, she was paralyzed to the extent that she suffered untold agony throughout the night, dying early the next morning.

OCT 17 1942

A posse, composed largely of Negro men, joined with law forces combing the woods of the murder area in an effort to trap the escaped slayer. Pressly's arrest less than 48 hours later attests to the efficiency of Scotland County law forces and the diligent mixed posse.

33-1942

OHIO

Policeman, Negro Killed In Gun Fight

AUG 19 1942

Courier-Journal

White Woman's Body Found In Auto Trunk

Louisville, Ky.

AUG 19 1942

Elyria, Ohio., Aug. 18 (AP)—Patrolman Howard Taft, 29-year-old rookie policeman, and a Cleveland Negro were killed tonight in a gun battle that led to the discovery of the body of a nude white woman in the trunk compartment of the Negro's car.

The gun battle started when the officer stopped the Negro's car after it hit another machine and struck a woman pedestrian.

Police Capt. Corbett E. Southam said the slain Negro was tentatively identified by means of an automobile registration certificate as James Webb, Cleveland.

Shot 6 Times.

He was shot six times by Patrolman Taft.

There was no report on how the woman, about 25, had died.

Southam said that as Taft walked to the Negro's car he was shot [illegible] times.

AUG 19 1942

Also taken from the car were about eighty boxes of women's hose and a quantity of clothing.

Cleveland police said the address listed on Webb's automobile registration certificate was that of a night club which recently figured in an investigation of white girls and Negroes.

33-1942
Pittsburgh Courier
Pittsburgh, PA.

POLICE KILLINGS

17-Year-Old Boy Reported Murdered By Law Officers

SEP 12 1942

SEP 12 1942

PONCHATOULA, La., Sept. 10. (ANP)—The wave of police brutality sweeping the South struck Tangipaha parish, the heart of Louisiana's strawberry district, last Wednesday, when a 17-year-old youth ended a two-week game of hide-and-seek with law officers by succumbing to a three-day period of grueling third degree administered in the jail here, according to statements from relatives.

Police officials classed the youth's death as suicide. However, acquaintances and relatives call it murder and produced a pair of blood-streaked trousers and a bloody shirt, plus the broken stem of a pair of eyeglasses as mute evidence of a brutal beating.

The victim was N. C. Wishop, whose bruised and swollen body was delivered to the father only 12 hours after the parent pleaded with the sheriff of the parish to move the youth to another jail for safe keeping. The father's action was a response to the boy's plea to "get me out of here because they are beating me to death," a message which was sent out by one of the prisoners who was an eye-witness to part of the beating.

Two weeks ago a Ponchatoula officer went to the home of the Wishops, where an argument led to a fight between the law representative and Mrs. Wishop. When the man attempted to pull his gun the mother is reported to have knocked him down, causing the gun to fall on the floor. Before the gun could be recovered the son grabbed it and ran from the house in order that the white man could not shoot his mother. He escaped but immediately a searching party was organized. Monday the youth was captured.

Describing the condition of the body as it was taken from the jail, the father stated:

"He was cut under the chin and cut over the left eye. You could see where there was a hole over his top lip, and there was a cut between his eyes. His face was swollen and his right arm was badly bruised. You could hear the bones moving. He was beaten on the left side of his face."

The youngster wore glasses when arrested but only a broken stem was found.

SEP 12 1942

A man who was prisoner during the time the boy was arrested, declared that "they handcuffed him through the bars with his shirt up and his pants down. They were whipping him with a belt one-half of an inch thick and split in three parts."

There is no knowledge of an investigation being made.

New York Times
New York, N. Y.

POLICEMAN KILLS MUGGING SUSPECT

AUG 19 1942

He Shoots Negro in a Pistol Battle at 6:30 A. M. on Stairs of Harlem Tenement

In the darkness of a Harlem tenement at 132 West 113th Street at 6:30 A. M. yesterday, Patrolman oJhn M. Bou, police honor man attached to Commissioner Valentine's confidential squad, shot and killed a "mugging" suspect after a bitter hand-to-hand struggle in which the man fired two bullets at close range at the patrolman. The shots went wild.

Fingerprint records of the dead man reealed his identity as Joseph Fulton, 32 years old, a laborer, whose last known address was 2465 Second Avenue. Fulton was arrested on Nov. 12, 1927, on a felonious assault charge and was discharged in Misgtrates Court.

Patrolman Bou, who shot and killed two muggers last year, was patrolling the Harlem area with two young patrolmen, John Calkins and John Cusker, appointed to the force two months ago. All were in civilian clothes.

AUG 19 1942

The three policemen saw Fulton entering a hallway at 29 West 112th Street with two British sailors and a civilian, later identified as a British subject.

The 112th Street hallway achieved notoriety on July 18 when Stanley Kolbusz, 19-year-old war worker of Holyoke, Mass., was stabbed and robbed. Kolbusz died on Aug. 2 of pneumonia after surgeons had performed an extraordinary operation of sewing up his heart.

With Patrolman Bou leading the way, the three patrolmen ran into the hallway where they started to grapple with Fulton. The sailors and their civilian companion, unaware that the newcomers were police, joined the fight. In the meantime Fulton ran away.

After the patrolmen had identified themselves to the sailors they began a careful search of the neighborhood for Fulton. A short while later they saw their quarry sauntering along 113th Street. Fulton saw the patrolmen and dashed into the five-story brick tenament at 132. The patrolmen ran after him.

AUG 19 1942

Ignoring the patrolmen's calls for him to halt, Fulton bounded up the stairs to the top floor with the three pursuers on his heels. Trapped on the top floor landing, Fulton fired two shots from his sawed-off Spanish pistol at Bou who was in the lead and only a few feet away. The bullets went wild.

Bou returned the fire as he grimly mounted the steps. The other patrolmen had to hold their fire for fear of hitting their companion. When Bou reached the top-floor landing Fulton lunged tore off the patrolman's coat.

He pressed his pistol against Bou's body and continued to pull the trigger, but the pistol did not fire. The patrolman fired five shots and Fulton fell dead. His pistol, it was later discovered, had jammed on the third shot.

The sawed-off pistol was turned over to Sergeant Harry Butts of the police ballistic bureau to determine whether it was used in other mugging-shootings in Harlem.

AUG 19 1942

Bou, who is 32 years old, in his six years on the police force has worked in civilian clothes out of Commissioner Valentine's office under Deputy Inspector Michael J. Murphy on Harlem prostitution and gambling.

On duty in Harlem last October, Bou let a girl lead him into hallway near 119th Street and Fifth Avenue. As he was going up the stairs a man leaped on him. Bou killed him inthe fight that followed.

'White Supremacy' In Va.--- Negro Shot

Daily Worker
N. Y.

(Special to the Daily Worker) AUG 14 1942

SUFFOLK, Va., Aug. 13.—"White supremacy" terror in the south has resulted in the murder of a Negro in cold blood by a policeman here.

AUG 14 1942

Herman Jones, a young Negro, was brutally slain by Suffolk police officer McKenzie after having been arrested for a misdemeanor. McKenzie killed Jones on July 24.

Indignation over the slaying spread rapidly here and a Suffolk Citizens Committee has been formed to combat the terror. A delegation from the committee visited Chief of Police J. M. Butler and demanded that McKenzie be tried for murder. Butler admitted to the delegation that Jones' slaying was inexcusable but no action has been taken against McKenzie.

RENOUNCE TERROR

This murderr follows a series of outrages against the Negro population of the south by pro-Hitler groups seeking to disrupt national unity behind the war against the Axis. In recent weeks two Negroes, Willie Vinson and Jessie Smith, a soldier in the U. S. Army, have been lynched and Roland Hayes, noted Negro tenor, brutally beaten in Georgia.

AUG 14 1942

The Suffolk Citizens Committee in a statement on the murder of Jones denounced the terror as seeking **"to drive a wedge between the growing unity of the southern people who are supporting Roosevelt's war administration, who are working together in the factories, fields, mines, in the armed forces, to defeat Hitler this year."**

The committee has appealed for protests to Police Chief Butler demanding the indictment and trial of McKenzie for murder. The committee's offices are at 327 E. Washington St. here.

Amsterdam Star-News
New York, N. Y.

Harlemite Shot Down by Officer

AUG 22 1942

Patrolman Bou Kills Third in Community

Patrolman John M. Bou, assigned to Commissioner Valentine's confidential squad, killed an unidentified Harlemite in the hallway of 132 West 113th Street on Tuesday.

AUG 22 1942

According to Bou, who has quite a reputation as a quick trigger expert, he saw the man strolling toward 112th Street and Lenox Avenue in the company of two British sailors and a civilian, all white, while covering the Harlem beat with a couple of probationers, John Calkins and John Cusker.

When the four men turned into the building at 29 W. 112th St., Bou and his companions followed. Before they could explain who they were, the group let into them.

During the brawl, Bou said his clothes were ripped to shreds. The fight continued in the hallway until the Negro turned and fled, Bou said. The police chased the man, nabbing him at the 113th Street address.

AUG 22 1942

"I grabbed him by the shoulder and he wheeled," Bou stated later. "He pulled a gun and fired two shot at me. I let go, pulled my own gun and fired five shots."

Hitler Will Love This

Defeatists' Hate Drive Brings Killing of Negro

AUG 14 1942

Daily Worker
N.Y., N.Y.

By Rob F. Hall
(Special to the Daily Worker)

BIRMINGHAM, Ala., Aug. 13.—The race incitement campaign of the Southern defeatists bore more bitter fruit here yesterday when Jack Bloodworth, Negro coal miner, was shot to death by a company police officer and Negro and white miners struck in protest.

The miners returned to work after two shifts, in order to maintain production, but demanded the discharge of the company police and four others active in race incitement.

Bloodworth, on the eve of his induction into the Army, went to the payroll office to collect his pay. The payroll clerk refused to return fifty cents Bloodworth had paid as a deposit on his badge, which precipitated an argument.

AUG 14 1942

BEATEN AND SHOT

The clerk called a company guard, Herbert Gray, who cursed Bloodworth, left and returned a few minutes later with another guard. They began beating Bloodworth with their pistols. Gray then shot him through the leg and, when he fell, aimed at his chest and fired again. Bloodworth died immediately.

More than 500 workers were involved in the work stoppage. The Docena Mine, at which the murder took place, is operated by the Tennessee Coal and Iron Company, a subsidiary of U. S. Steel.

Meanwhile in Atlanta, Col. Lindley Camp, chief of Gov. Eugene Talmadge's State Guard, ordered his guardsmen "on the alert," charging that "an unusual number of assault cases and attempts to assult white ladies have been reported." He said he had received reports of "efforts on the part of Negro men and women to demand certain privileges which are not granted in Georgia and which will never be."

Col. Camp urged guardsmen to "ask white ladies to take no chances whatsoever and to be especially careful when they are alone."

He declared that "subversive agents" were working among the Negro people, and said "the same condition exists in Alabama, South Carolina and other Southern States." He said: "I am advised that they are taking every precautionary measure possible."

Attorney General Ellis Arnall, who is opposing Talmadge in the race for governor, declared in answer to this inflammatory statement that if any racial violence occurs, Talmadge "will be at the root of it."

Peoples Voice
New York, N. Y.

Texas Shooting Probed by FBI

SEP 12 1942

BEAUMONT, Tex. — (FP) Ignoring instructions of Attorney General Francis Biddle, USDistrict Attorney Steve M. King has ordered a federal grand jury investigation into the shooting of a Negro soldier by Beaumont policemen.

SEP 12 1942

Biddle had directed the filing of an information against the two policemen, Clyde and Billy Brown, which is a process that omits the grand jury action and throws the case into court immediately.

The Negro soldier, Military Policeman Charles J. Reco, was shot five times while inside a police patrol after he was arrested for riding in the white section of a jimcro bus.

King said an investigation is being made of the shooting by the local FBI and the federal grand jury will get the case October 26.

AUG 14 1942

Afro-American
Baltimore, Maryland

Free Cop in Slaying of Suspect

SEP 12 1942

Eleventh Killing in 3 Years Without Conviction of Officer

BALTIMORE

Officer Joseph Eppler of the Southwestern district, accused of the fatal shooting of William Henderson, 37-year-old attack suspect, on August 22, was exonerated Thursday at a hearing before Assistant State's Attorney Thomas Biddison.

The verdict of "justifiable homicide in the line of duty" closed the eleventh case of killings by Baltimore policemen under the administration of Commissioner Robert Stanton in the last three years. All of the officers involved have been exonerated.

Attempted Escape

Henderson, alias William Henson, lived in the 1400 block of N. Bruce Street. He was shot in the 1400 block of Fulton Avenue as he attempted to escape from Eppler, who sought to arrest him on a charge of criminally attacking Miss Ruth Murdock, 21, of the 300 block of N. Stricker Street.

Afro-Amer.
Baltimore, Md.

Miss Murdock's report that she was attacked on a vacant lot at 207 N. Bruce Street was investigated by Officers Eppler, Haines and Daugherty, and Lieutenant John Hurst. The attacker was identified by a bystander as the son of William H. Henderson who lives in a shack on the Bruce Street lot.

Tried to Cut Officer

The officers, informed by the elder Henderson where the suspect lived, proceeded to the latter's home. When they informed him that he was under arrest, Eppler testified, Henderson slashed at him with a knife; then ran west on Presstman Street and north on Fulton Avenue.

Eppler said he fired two warning shots into the air as he pursued the fugitive, before firing the shot which struck him in the lower part of his back.

Record Cited

Henderson died the following day in the Franklin Square Hospital, after allegedly admitting ownership of the knife with which Eppler said he attempted to cut him.

SEP 12 1942

He is said to have served two terms for criminal attacks and one on a sodomy charge involving a 12-year-old boy.

Daily World
Atlanta, Ga.

Policeman Charged With Murder After Dismissal

OCT 21 1942

OCT 21 1942

MEMPHIS, Tenn.—(SNS)—Quick and unusual action followed the slaying of a colored apartment house janitor, Lois Sea, by a Memphis policeman early Sunday morning in front of 849 Poplar Avenue. Sea was shot to death by Patrolman C. L. Swagerty, 261 Bickford Street.

The unusual aspect of the case is the fact that the patrolman was dismissed from the Memphis Police force shortly after the shooting, and Tuesday was docketed by the Police on a charge of murder.

Swagerty alleged that Sea was staggering drunk, and that when he (Swagerty) attempted to arrest him, Sea resisted arrest. He admitted that he struck Sea with his pistol to subdue . . . that Sea threw up his arm, and the pistol went off, the bullet passing thru Sea's right eye.

OCT 21 1942

Police Commissioner J. P. Boyle is reported to have announced that he was dismissing Swagerty on recommendation of Chief of Police Seabrook, after the chief had investigated the killing.

Patrolman Swagerty was not in uniform at the time he attempted to arrest Sea. However, he is reported to have stated that he showed Sea his police badge when he attempted to arrest him.

Swagerty was a new officer on the Police force, having joined the staff last August.

OCT 21 1942

Although, news of the killing spread widely among the Negro population, it was not officially detailed to the daily papers until almost two days afterwards.

In the investigation, a white employe of the General Outdoor Advertising Co., Jack Hardy, identified Sea as the man who approached him on Poplar about 45 minutes before the shooting and cursed him. Hardy told police Sea was drunk at that time and almost crowded him off the sidewalk.

What he did or said to Patrolman Swagerty could not be learned by the newspapers as he said, he "had no comment to make."

Chicago Defender
Chicago, Illinois

Son Slain After His Mother Calls Sheriff To Quiet Him

JAN 31 1942

By LEE F. RODGERS

EDENTON, N. C. — Isom Williams, 30-year-old employe at the Navy Yard in Portsmouth, Va., was shot and killed by Sheriff J. Alvin Bunch, when Williams resisted arrest on a disorderly charge.

The circumstances leading up to the tragedy appear to be unusual. It was brought out during a coroner's jury hearing that Williams' mother was traveling on a bus with him on their way from Norfolk to their home in Bertie county, North Carolina.

Mrs. Williams stated that her son had been brandishing a dangerous looking knife, and that she was unable to prevail with him to put up the weapon. That was on Sunday, January 18.

JAN 31 1942

The mother became so upset over her son's alleged actions, it was brought out, that when the bus reached Edenton she requested officers to arrest her son.

Following this unusual request coming from a mother regarding her son, Sheriff Bunch and Patrolman Pratt testified that they sought to arrest Williams on Edenton's Main street. But Williams resisted arrest, they said, and slashed at the sheriff. He was making another attempt to cut the sheriff, the story goes, when Sheriff Bunch was obliged to fire in self-edenfese.

Williams, mortally wounded, died in the hospital January 19. Sheriff Bunch was exonerated on January 20. Mrs. Williams will not travel with her son, Isom, again.

Amsterdam News
New York, N. Y.

Dixie Officer Kills Sergeant

MAR 28 1942

LITTLE ROCK, Ark., (ANP)—Sergeant Thomas B. Foster, Company D, 92d Engineers battalion stationed at Camp Robinson, Ark., was killed Sunday afternoon by A. J. Hay, civilian policeman, at Little Rock, while down on the ground after having been knocked there by the policeman.

According to witnesses, Foster was killed for no reason at all. The same policeman who killed Foster had had trouble with another soldier one hour earlier. He was whipping the soldier across the head and Foster asked the white M. P. why he permitted the civilian policeman to whip the soldier when he was supposed to be in charge.

MAR 28 1942

The civilian policeman resented this and started beating Foster. Foster fought back in an effort to protect himself and the policeman knocked him down and shot him four times while the M. P. stood looking on, using his gun to keep the crowd back.

Daily World
Atlanta, Georgia

Sergeant Is Shot To Death By Policeman

MAR 25 1942

'Killed for No Reason at All,' Witnesses Say

LITTLE ROCK, Ark., —(ANP) — Sgt. Thomas B. Foster, Company D., 92nd Engineers battalion stationed at Camp Robinson, Arkansas, was killed Sunday afternoon by A. J. Hay, civilian policeman, at Little Rock, while down on the ground after having been knocked there by the policeman.

MAR 25 1942

According to witnesses, Foster was killed for no reason at all. The same policeman who killed Foster had had trouble with another soldier one hour earlier. He was whipping the soldier across the head and Foster asked the white M. P. why he permitted the civilian policeman to whip the soldier when he was supposed to be in charge.

The civilian policeman resented this and started beating Foster. Foster fought back in an effort to protect himself and the policeman knocked him down and shot him four times while the M. P. stood looking on, using his gun to keep back the crowd.

Commercial Appeal
Memphis, Tennessee

Negro Soldier Slain In Fight With Police—Inquiry Started

MAR 25 1942

From The Commercial Appeal Little Rock Bureau

LITTLE ROCK, March 23.—A military board of inquiry began an investigation Monday into the slaying of Sergt. Thomas B. Foster, negro, of Company D, 92nd Engineer Battalion, in a fight with military and civil police in Little Rock's negro section Sunday night. Sergt. Foster died about midnight from four bullet wounds inflicted by A. J. Hay, Little Rock patrolman, who fired after the negro had knocked him down and was advancing on him with a nightstick wrested from the civil policeman.

MAR 25 1942

The battle occurred when Foster and a group of negro civilians tried to liberate a negro soldier, Albert Glover, after he was arrested by military police for drunkenness.

Grabs Pistol

Officer Hay and his partner, George Henson, went to the assistance of the military police when the mob of negroes closed in on them. During the affray, Foster grabbed a pistol from Military Policeman O'Neal Dennis and fired one shot into the ground. Private Dennis was bitten on the finger and several other M.P.'s slightly hurt.

MAR 25 1942

Officer Hay was attempting to hold Foster while other police were trying to open a way through the crowd of negroes. Foster pulled free and knocked Patrolman Hay to the ground.

Brig. Gen. Francis B. Mallon, commanding officer at Camp Robinson, issued a brief statement Monday declaring that within 45 minutes after reports of the fracas were received at the Army post, all negro soldiers on leave in Little Rock had been picked up by the Army trucks and started back toward the camp.

General Mallon said all the negroes were sent to the 92nd Battalion area and traffic was diverted about the 92nd Engineers zone for the rest of the night. He declared there was no trouble of any sort at the camp. Rumors were heard at Little Rock Monday that there had been a riot at the camp but this met with immediate denial.

The military board of inquiry is headed by Col. Guy. C. Rexroad and includes Capt. Farris D. Evans, first lieutenant. Harry J. Loving and First Lieut. Ilius W. Davis.

MAR 25 1942

Inquiry Incomplete

Dr. Charles C. Reed Jr., deputy coroner, said Monday his investigation still was incomplete and "it probably will be Tuesday or Wednesday before any formal finding is made." Dr. Reed said he would testify before the Army inquiry board Tuesday morning.

Police said the dead negro, Foster, had been drinking at the time of the shooting but was not drunk. Foster enlisted in the Army at Baltimore last May. He was a native of North Carolina.

The 92nd Engineer Battalion is a negro outfit attached to the Second Army. It has been in camp several months doing construction work on rifle ranges and roads in the training area. The 92nd has white officers.

Maj. Roy A. McMillan, press officer of the Corps Area Service Command, said the 92nd is a work battalion ordinarily stationed at Fort Leonard Wood and it probably will be sent back there after completing its work here.

Daily World
Atlanta, Georgia

Slain Sergeant

APR 2 - 1942

SGT. THOMAS P. FOSTER

APR 2 1942

—member of Co. D, 92d Engineers, stationed at Camp Robinson, Ark., who was shot and mortally wounded by Patrolman A. J. Hay, white, Sunday afternoon in the heart of the Negro business section, of Little Rock. Foster, a sergeant, had sought to inquire why civilian instead of military police were arresting a private charged with intoxication. White military police attacked Foster, knocking him to the ground after which Hay fired five bullets into his body as he lay prostrate. Foster was from Zebulon, N. C.—(ANP Photo Courtesy State-Press)

Journal and Guide
Norfolk, Virginia

Man Killed By Two Policemen In City Street

APR 4

Officers Claim Boone Resisted Arrest

NORFOLK — Odelle Boone, laborer, was fatally shot in the 700 block of Smith Street Sunday night by two police officers who claim that the man, in resisting arrest, assaulted them in an attempt upon their lives.

Patrolmen A. B. Knewstep and E. C. Stone, the participating officers, told Detective Leon Nowitzky, who later investigated the shooting, that they had been called to the Douglass Hotel on Smith Street to quell a disturbance.

They said that when they entered the building Boone was pointed out to them by a woman as the man making the trouble, having threatened her with an ice pick.

The officers further stated that when they sought to place Boone under arrest he put up a fight, almost succeeding in obtaining one of the policemen's revolver.

APR 4 1942

The fight continued until both officers fired in protection of their lives, they have declared. An inquest into the death was scheduled to be held Tuesday afternoon by Dr. C. D. J. MacDonald city coroner.

Chicago Defender
Chicago, Illinois

SUSPEND COP WHO KILLED LA. FUGITIVE

APR 11 1942

Find Policeman Failed To Make Investigation Before Shooting

NEW ORLEANS, La. — David Marks, patrolman of the Second precinct, was suspended on a special order by Superintendent of Police George Meyer, following his indictment for manslaughter in connection with the fatal shooting of Clarence Thompson last August 17.

The Orleans Parish grand jury indicted Marks after hearing testimony in connection with Thompson's murder as he fled from another policeman through Marks' yard.

Thompspn was being pursued by Patrolman Morris Milner following a disturbance when he fled through Marks' yard. A member of Marks' family is reported to have awakened him and informed him of the presence of Thompson in his back yard. Marks got up, grabbed his gun, ran to the back door and fired at Thompson without giving Thompson a chance to surrender or identifying himself as a policeman.

Marks claims that he fired one shot in an attempt to stop Thompson and when he didn't stop, fired the fatal shot into his body. Thompson died instantly.

APR 11 1942

It was recalled here that during December two Negroes, unidentified, held up and robbed Marks' wife as she was returning home from the grocery. Following the report of the incident, Marks went about the neighborhood arresting every Negro youth whom he felt might have been responsible.

Birmingham, Ala. News
April 12, 1942

The Slaying Of Henry Matthews

When Henry Matthews, Negro, was slain last Wednesday evening in downtown Birmingham by Officer C. W. Hopkins, *The News* and *The Age-Herald* refrained from commenting on the case, pending an official investigation, because of the officer's statement that he fired in self-defense. On a number of occasions these newspapers have protested against the wanton shooting of Negroes by officers with hasty trigger fingers, and we wondered if the case of Henry Matthews was another such instance.

We know that sometimes it is necessary for officers to fire in self-defense. We know that sometimes officers are killed in attempting to make arrests. Certainly not every officer who fires at someone is guilty of wanton shooting.

The inquiry of County Investigator Evans has resulted in a finding of justifiable homicide on the ground that Officer Hopkins fired in self-defense when Matthews reached for the policeman's gun in a scuffle. The officer said he was attempting to arrest the man for being drunk and disorderly.

However, other testimony tends to shed a different light on the case, and there is to be an investigation by the solicitor's office. The contention that Matthews was drunk and disorderly has been denied by some witnesses, as has also the charge that he resisted the officer. More significantly, however, Dr. Frank Nabers, for whom Henry Matthews worked, said his own examination of the body showed five bullet wounds in the back, and none in the front, which is difficult to reconcile with a plea of self-defense. Some witnesses are reported to have said that Matthews was shot several times as he was on the ground on his hands and knees.

In these circumstances, it is highly in order that the Grand Jury inquire into this case, and that the city officials make a careful investigation of the officer's conduct.

If this was really a case of self-defense—which it might have been—that fact should be supported more conclusively than has been done so far. If it was not self-defense, then appropriate action under the law should be taken.

In any case, the public, and especially the Negro population of Birmingham, is entitled to a full, thorough and fair inquiry into this case. We trust no public official will fail in his duty to see that this is forthcoming.

The Daily Worker
New York, N. Y.

Immediate Trial of Birmingham Cop Sought

APR 14 1942

APR 16 1942

SEE WAR UNITY HIT

(Special to the Daily Worker)

BIRMINGHAM, Ala., April 13. — Henry Mathews, 37, Negro steel worker employed by the Tennessee Coal, Iron, & Railroad Co., was shot to death late Wednesday afternoon, April 8, by Officer C. W. Hopkins of the Birmingham Police Department.

After getting off from work Mathews had gone downtown. He was crossing the street at the corner of Fourth Ave. and 18th St. North, a corner frequented by Negroes in the business section of Birmingham, when he was accosted by Officer Hopkins, who said, "Ain't you drunk?"

When Mathews replied in the negative, the officer raised his hand to strike him. Mathews raised his hands to protect his face, saying, "If you are going to arrest me, you can arrest me, you don't have to beat me." The officer then drew his pistol and fired. The first bullet, eyewitnesses told the Daily Worker, struck Mathews in the arm, and he fell to the pavement. The officer then fired four more bullets into the prone body of Mathews, three of them taking effect, lodging in his back and killing him.

APR 14 1942

CROWD INDIGNANT

A crowd immediately formed. Eyewitnesses report that not only the Negroes but the whites in the crowd were indignant, saying to the officer:

"What did you want to kill him for?" and, "Something's got to be done to stop this shooting of Negroes."

Hopkins claims that he was sent to the scene to arrest a drunken man, and that Mathews answered this description. But those who saw the whole thing say that Mathews was obviously sober. The officer also entered the usual plea that he was acting in self-defense.

The Police Department has started an investigation, but up to the present moment they have not yet issued the usual whitewash, which is an indication of the pressure of public opinion in Birmingham at this time of war.

It is felt here that these murders are very dangerous to the cause of national unity in this extremely important center of war industry. There has been an increase of brutality on the part of the police and others against the Negro people in the last couple of months. Progressive Southerners are wondering if this is merely business-as-usual on the part of the underlings of the police department and the remnants of the Klan and similar organizations in this area, or whether it represents a concerted campaign on the part of appeaser elements who are striving thereby to prevent Negro support of the war.

Commercial Appeal
Memphis, Tennessee

NEGRO FLEEING IN CAR KILLED BY PATROLMAN

Slain As Mississippi Officer Fired To Stop Auto

A Mississippi Highway Patrol officer early yesterday shot and killed Brady Phillips, 16, negro of Raines, Tenn., when the car in which he was riding attempted to race the patrolmen to the Tennessee State line on Highway 61.

The sheriff's office here said Trooper L. Y. Griffin of the Mississippi patrol, with Constable T. B. Hobbs of De Soto County, Miss., reported they were forced to fire on the car when its driver refused to stop. Trooper Griffin said he did the shooting.

Chief Deputy Sheriff Perry said Shelby deputies were advised that a negro girl in the car explained the occupants felt they would escape arrest if they reached Tennessee.

It was not certain, the sheriff's office said, whether the shooting occurred in Mississippi or Tennessee. Passengers in the car, Shelton Jackson, reportedly the driver, Lester Carbin, Lulu Mae Dotson, Robert Dotson and Catherine Tate all are being held at Shelby County Jail at the request of Mississippi authorities. All live at Raines.

Kansas City Call
Kansas City, Mo.

Officers Who Killed Negro in Raid Freed

FEB 13 1942

Jury Finds Policemen 'Not Guilty' After Hearing Testimony 2 Weeks

The two police officers who shot and killed Harrison J. Ware last summer were freed by a jury Friday, Feb 6, after a trial which lasted two whole weeks.

FEB 13 1942

A jury of 12 white men acquitted Charles E. LaBaugh and Dewey A. Ellis of charges of second degree murder after 30 minutes' deliberation.

LaBaugh and Ellis, who had been suspended from the police force since they were indicted by a grand jury November 8, were reinstated and paid for the three-month suspension. Neither was returned to the vice squad. LaBaugh was assigned to the detective department, Ellis to the Country Club station.

Ware was killed during a raid which the two officers made on the Autumn Leaf club on July 26. The officers said that Ware resisted arrest and attacked LaBaugh with a pool ball. Twenty Negro witnesses to the slaying told a different story, saying that LaBaugh came into the club and began slapping and beating the Negroes there. They said that he "picked" a fight with Ware whom he accused of being the game keeper. Ware, the witnesses said, defended himself with the ball only after he had been knocked down twice by LaBaugh.

FEB 13 1942

Following the slaying, the two officers quickly were exonerated by L. B. Reed, then chief of police, upon which Negro citizens, led by the N.A.A.C.P. branch, protested to Governor Forrest C. Donnell.

Police reported that Detectives Harry Bushaw and George Morris, riding in a squad car, saw Moon walking along a street and ordered him to halt. The Negro fired two shots which shattered the car's windshield. Both officers were cut by flying glass.

Moon escaped, but 13 minutes later was seen crossing a bridge guarded by Capt. Bengston and several officers. Capt. Bengston said he fired when the Negro failed to obey an order to throw up his hands.

Moon was sentenced in Evanston in 1930 to one year to life for burglary, Capt. Bengston said.

Chicago Tribune
Chicago, Illinois

POLICEMAN KILLS NEGRO PAROLEE FROM EVANSTON

Rockford, Ill., Feb. 21 (AP).—Police Captain Folke Bengston early today shot and killed Spurgeon Moon, 33 year old Negro prison parolee from Evanston, Ill., following a 13 minute hunt.

FEB 22 1942

Daily World
Atlanta, Georgia

Atlantan Dies Of Shot From Police Gun Friday Morning

FEB 14 1942

Officers Claim Victim Refused To Surrender to Them

Shot in the neck around one o'clock Friday morning by an Atlanta policeman, Raymond Jones, 25, of 468 Ira Street, SW, died about three hours later at Grady hospital.

According to investigating patrolmen, T. J. Sikes and B. B. Dixon, several officers opened fire on the victim when he refused to surrender in the rear of a Peters Street junk yard, but policemen were unable to determine which of them fired the fatal shot.

FEB 14 1942

In the report to the chief of police, Officers Sikes and Dixon said several police cars answered a call to the junk yard to investigate a burglary and that Jones was shot after he climbed out of the yard onto a truck, holding in his hands a flashlight and a piece of iron.

FEB 14 1942

Detectives said Jones had served time on a prison camp for burglarizing the junk yard once before.

Two Homicide Victims Buried

Funeral services were held Friday for two of last Sunday's homicide victims—Mrs. Caroline Devine, 90, of 351 Mitchell Street, SW, and Mrs. Maxie Moore, 45, of 945 Ashby Grove, SW.

Services for Mrs. Devine were held at one o'clock from Hanley's funeral home. The body was laid to rest in Chestnut Hill Cemetery.

Final rites for Mrs. Moore were held from the Seventh Day Adventist church at three o'clock with burial taking place in Lincoln cemetery.

Hanley Company was in charge of both funerals.

The Fulton grand jury returned a murder indictment against H. L. Hammond, of West Hunter street, Friday in connection with the slaying of Mrs. Moore. The woman's body was found late Sunday night in a pool of blood.

No arrests had been reported Friday in the fatal stabbing of Mrs. Devine, who was reported slain late Sunday night by a 60-year-old man.

Afro-American
Baltimore, Maryland

Preferred Death to Jim Crow

MAR 14 1942

MAR 14 1942

JAMES GLOVER MORROW, 29, of 434 Orchard Street, Baltimore, who preferred death to riding from New York to Baltimore in a jim-crow seat on the Greyhound Bus lines. He was shot it is said, by a New York policeman in the Fifty-first Street Station when he refused to ride jim-crow and the body was brought to his home here for burial Sunday. Seating of passengers by color is not lawful in interstate traffic.

Chicago Defender
Chicago, Illinois

STUDY KILLING OF YOUTH BY POLICEMAN

MAR 14 1942

Jersey State N.A.A.C.P. May Prosecute N.J. Patrolman

MAR 14 1942

BRIDGETON, N. J.—Investigation and possible prosecution of Patrolman Otis Husted, charged with the fatal shooting of 23-year-old Milton Lewis of Atlantic City, will be undertaken by the Jersey State conference of NAACP branches, according to Dr. D. W. Anthony, president of the state conference, who has appointed Attys. William A. Dart of Atlantic City and Robert Queen of Trenton to complete investigation.

Early in February, nearly 500 indignant Negro citizens of this community jammed city council chambers to demand the dismissal of Husted. Commissioner of Public Safety Mervin Beach told the delegation that Husted was not suspended because "my investigation does not warrant laying him off."

He said the matter had been turned over to Prosecutor Thomas G. Tuso. Tuso said the case will be referred to the grand jury in April for indictment.

MAR 1 41942

Lewis was shot on the night of January 29, according to reports, after he was supposed to have evaded arrest by Husted who accosted him while he was sitting in a car.

Husted shot him twice, once in the leg, and once in the thigh. But the coroner ascribed his death to "shock." The leg wounds were negligible.

MAR 1 41942

Freehold Citizens to See Mayor

Colored citizens of Freehold will meet with the mayor and city council there Monday night, March 9, to obtain official position on their charge that "a young colored man" was subjected to the third degree by local police.

They have notified the NAACP national office of their desire to form a branch of the association.

Amsterdam News
New York, N. Y.

Brutal Jersey Police Killing To Grand Jury

MAR 21 1942

Autoist Charged With Evading Arrest Shot By Patrolman

BRIDGETON, N. J.—Investigation and possible prosecution of Patrolman Otis Husted, charged with the fatal shooting of 23-year-old Milton Lewis, of Atlantic City, will be undertaken by the Jersey State conference of NAACP branches, according to Dr. D. W. Anthony, president of the State conference, who has appointed Attorneys William A. Dart, of Atlantic City, and Robert Queen, of Trenton, to complete investigation.

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TRAGEDY OCCURS NEXT TO CHURCH

Pittsburgh Post

MAR 28 1942

Pittsburgh Courier

LITTLE ROCK, Ark., Mar. 26—One soldier, a sergeant, was killed and another brutally beaten here Sunday night by white civilian officers in the presence of four white military policemen.

The beating and shooting occurred at the corner of Ninth and Gaines streets near the Dubisson Undertaking Parlors and next door to a Negro church.

COP BEATS SOLDIER

The dead man is Sergeant Thomas T. Foster of the 92nd Engineer Battalion.

Foster was fatally shot when he protested the action of the white policeman who had beaten a member of his outfit.

According to eyewitnesses, the trouble began when the white policeman, named Hayes, allegedly arrested a soldier in the establishment of S. W. Tucker about 6 o'clock in the evening. Hays is said to have beaten the soldier, walked him to the USO Club, then to the Gypsy Tea Room.

At that point, Hays is reported to have placed the soldier in an Army truck to be taken away.

Sergeant Foster intervened at this point. He protested the beating and insisted that the white military policemen who were present report to Army headquarters at Camp Robinson the action of the policeman.

SHOT LAYING ON GROUND

While Foster was talking to the military policeman, Hays and another white policeman, named Henson, walked over. The military policeman attempted to pull Foster away and was assisted by four others. Foster resisted their efforts to drag him away.

Henson is then reported to have broken into the fray and to have knocked Foster to the ground.

While Foster lay on the ground eyewitnesses state that Hays fired five shots into his body.

Foster was taken to the University hospital in a serious condition.

Preparations were made to operate on him at 9:15.

He died at midnight.

The reaction of the officers of the 92nd Battalion and the commanding officer at Fort Robinson was to round up all colored soldiers and return them to camp.

The intervention of Foster, the dead man, into what was to prove a tragedy, is said to have been due to direct instructions from the battalion commander, Captain Parks.

This officer, not suspecting what his instruction would lead to, had given the sergeants of the outfit to understand that they were to exercise responsibility when soldiers became involved in trouble in the city.

Daily World
Atlanta, Georgia

Launch Probe Into Slaying Of Race Sergeant

Engineer Shot By Policeman As He Lay on Ground

MAR 29 1942

LITTLE ROCK, Ark.—(ANP)—The fatal shooting of a Negro soldier by a city policeman here last Sunday evening during a melee in the Negro district in connection with the arrest of another colored soldier has brought on two separate investigations to determine who was at fault and whether the accounts of the principals involved in the altercation are true.

The separate investigations were begun early Friday, but neither military authorities or civil authorities would release any information other than that a full report will be made public after the investigations had been closed.

The victim of the shooting was Sgt. Thomas B Foster, 30-year-old native of Zebulon, N. C., who enlisted in the army last May 31 at Baltimore. He was a member of the 92nd engineer battalion, which was sent to Camp Robinson here several months ago to do construction work.

SOUGHT TO FREE MAN

MAR 29 1942

According to city police, the shooting began with the unsuccessful attempt of a crowd of Negroes, led by Foster, to liberate Pvt. Albert Glover, also of the 92nd engineers, who had been arrested by M. P.'s for drunkenness. Patrolman A. J. Hay, who shot Foster four times, said that he and Patrolman George Hensen went to the assistance of two military police who had arrested Glover and were barred by a crowd of Negro civilians from taking him to their army truck.

"I asked the MP's to let me help them as I had been trying to hold the crowd back. I got hold of Foster and he threw me down on the ground and took my night stick. I jumped up before he did. He started to come at me with my stick. I pulled my gun and shot him."

Foster was shot four times, two bullets entering his abdomen, one breaking his left arm, and the fourth entering his left side.

DIFFERENT VERSION

MAR 29 1942

Eyewitnesses, however, tell a different version. They say the episode began when Pvt. Glover was ordered out of town by MP's who charged that he was intoxicated. Glover agreed to leave as soon as he found a buddy, whose identity is unknown yet, who would accompany him back to the post. Later he was accosted again by MP's to whom he explained why he still remained in town. He was thereupon arrested.

A sworn statement made by Glover, who admits being drunk, states that the MP's grabbed him and beat him, but that he "doesn't remember civilian police having anything to do with his arrest and beating." Reliable eyewitnesses, however, saw civilian police club Glover with night sticks, injuring him painfully. Glover had to be taken to the Medical aid station where first aid was administered.

Still in custody of military police, Glover was taken from the state to the MP patrol car parked about a block away. Foster, hearing of Glover's treatment at the hands of civilian police, stopped the arresting MP's to question them about the incident. His refusing to move away without any explanation caused the MP's to attack and arrest him.

FOUGHT OFF ARREST

Foster, determining not to be arrested, fought them off. Here conflicting stories are told as to the ensuing mob. White dailies reported that "a mob of Negroes was aiding Foster," while eyewitnesses say that Foster was fighting alone, with bystanders looking on.

Six other MP's joined the fight to subdue Foster, using night sticks. Civilian policemen, who followed the MP's throughout the altercation, entered the fight and as Foster was clubbed until he quieted. By this time the scene had shifted across the street and about one-fourth of a block from the medical aid station in front of the Presbyterian church. With his back against the wall, Foster was beaten until he subsided.

Policeman Hay is then said to have reached over the shoulder of the MP who had Foster by the shoulder, and hit the defenseless soldier. Foster immediately resumed his fight, this time against Hay. Although he knocked Hay down, he was himself beaten to the ground by MP's. Then Hay is said to have gotten to his feet, while Foster was lying on the ground in a semi-conscious state, and drew his gun and emptied five chambers, four of which struck Foster, the fifth going wild.

DIES AT HOSPITAL

Foster was removed to the University hospital where he was given an emergency operation. He died at the hospital at 12:30 A. M. Monday morning. According to eyewitnesses, at no time was Foster in possession of a club or pistol.

After the shooting, soldiers, indignant over the treatment of their buddy, milled around, but military officers quickly ordered trucks to remove the soldiers from the city.

The civilian investigation is being carried on by Chief of Police J. A. Pitcock and Dr. C. C. Reed, Jr., deputy coroner, who have already stated that it appears the officer was forced to shoot the Negro soldier as he had seized Hay's nightstick and was advancing upon him."

Heading the army board is Brig. Gen. Francis B. Mallont, Camp Robinson commander, who has working with him Col. Guy C. Rexroad; Capt. Ferris D. Evans, 1st Lt. Harry Lovings, and 1st Lt. Ilus W. Davis. A second board was named to ascertain if Foster died in line of duty, in order that his relatives might receive a pension. This board is composed of Joseph J. Reuter, Paul C. Richmond and Lt. George M. Brown.

Argus

St. Louis, Missouri

SEEK FUNDS TO BURY WIDOW'S SON SLAIN BY POLICE IN CHASE

MAY 8 - 1942

Officers in a scout car shot and fatally wounded Mack McCoy, 14, 4146 Finney avenue, Monday in a stolen truck after a wild chase covering almost two miles. The inquest was postponed to Friday. Meanwhile efforts were being made to secure enough money to pay for the victim's burial.

The widowed mother of the boy, Mrs. Grace McCoy, was almost hysterical on identifying the body of her son at the morgue. She told of having tried to get Mack to do right but failing to overcome his hard headedness.

MAY 8 1942

The officers reported they sighted the stolen car at 11th street and Cass avenue, and went in pursuit blowing the siren on the police car and firing several shots in the air. The truck side swiped another car and sped on to Hebert street and west to Spring avenue, where one of four shots fired at the back of the truck went thru the cab and struck the boy driver near the heart. The truck then went wild and rammed into a post. The officers could not stop the scout car in time and it crashed into the back of the truck. Officer Patrick Coleman who fired the shots and Officer Charles McKeone who was driving both received lacerations and cuts of the face.

MAY 8 1942

The truck belongng to W. C. Brown of 5326 Theodosia, was stolen from in front of 1425 N. Sarah street.

New York Age

New York, N. Y.

Killing Of Negro Soldier By White Cop To Be Probed

MAY 16 1942

WASHINGTON, D. C.—Attorney General Francis Biddle announced Wednesday that he has requested Samuel Rorex, United States Attorney for the Eastern District of Arkansas, to institute Grand Jury investigation into the fatal shooting of Sergeant Thomas P. Foster, United States Army, by a civilian police officer at Little Rock, Arkansas, on March 22, 1942.

Mr. Rorex will be assisted by Frank H. Patton, a Special Assistant to the Attorney General and a former Attorney General of New Mexico. The Grand Jury investigation is scheduled to begin on or about June 1, 1942.

Mr. Biddle said the investigation is being made at the direct request of the War Department, which asked that prompt action be taken "in view of the necessity that soldiers, white or Negro, be afforded protection when on pass in a civilian community."

According to reports received by the Department of Justice, Foster, a Negro, remonstrated with military police officers for delivering to the custody of Little Rock policemen a soldier they had arrested for drunkenness. An altercation ensued, and Foster was arrested by the military police.

City Policeman A. J. Hay, the reports indicate, offered to escort Foster to an Army truck if the military police would disperse the crowd of several hundred persons which had gathered. Foster, however, resisted arrest and was struck over the head several times with a night-stick. In the struggle he and Policeman Hay fell to the ground.

At this point, reports say, Hay rose to his feet, drew his revolver, and fired four shots into Foster while he was lying in a dazed condition on the ground. Immediately after the shooting, Hay broke open his revolver, reloaded it, and then lit and smoked his pipe.

MAY 16 1942

An investigation was later conducted by Prosecuting Attorney Sam Robinson of Little Rock, who concluded that Officer Hay "was clearly acting in self-defense."

Despite this finding, the Attorney General said, both the War Department and Assistant Attorney General Wendell Berge, in charge of the Criminal Division, have recommended a thorough investigation of the case by a Federal Grand Jury.

The Daily Worker

New York, N. Y.

Rally to Protest Negro Killing In Harlem

Powell to Speak, Will Ask Action Against Policemen

MAY 16 1942

Councilman Adam Clayton Powell and other community leaders will address a citizens' protest rally at 5 P. M. tomorrow on the killing of Wallace Armstrong by a policeman last Monday evening.

The meeting will be held in the Golden Gate Ballroom, Lenox Ave. and 140th St. A number of witnesses to the killing will testify.

Wallace Armstrong, Negro, about 30 years old, of 166 W. 128th St., was shot to death by Patrolman Harold Reidman, 27, of the 126th St. Station following a fight in front of Armstrong's home.

Armstrong's father had telephoned for an ambulance to take the young man to Bellevue Hospital for observation. Patrolman Reidman, riding the ambulance when it arrived, attempted to put Armstrong aboard. A fight ensued. Breaking away, Armstrong walked toward Eighth Ave., followed by the patrolman. He was killed as he tried to rise to his feet after a police beating at the corner of 128th St. and Eighth Ave.

MAY 16 1942

Councilman Powell announced yesterday that a protest march on City Hall is planned. Admission to tomorrow's meeting is free.

Amsterdam News

New York, N. Y.

Mental Patient Shot to Death

2,000 Angry Harlemites Swarm Around Harlem Hospital Area

MAY 16 1942

By J. ROBERT SMITH

The flame of vengeance flared in Harlem from 8 P. M. until long past midnight, Tuesday, when thousands of citizens enraged over one of the most flagrant acts of police brutality, endeavored to chase every white cop from this area, after Patrolman Harold Reidman, white, of the 25th Precinct, shot to death Wallace Armstrong, 30-year-old colored man, in the presence of more than ten other fellow white officers, who stood guard while a sick man was being shot down.

According to Harlem Hospital records, Armstrong who lived at 166 W. 128th Street was considered a helpless, harmless, mental case, whose father, Lindsay Armstrong had called the hospital for an ambulance to take his son to the institution because he was acting queer.

MAY 16 1942

Was Man-Handled

From information gathered from eye-witnesses who were on the scene some time or other during the evening, Armstrong was on his way to a laundry when the ambulance drove up before his home.

He was suddenly approached by Reidman, who was attached to ambulance duty. "Where are you going?" the cop is quoted as asking the sick man, to which he replied, "I'm going to the laundry around the corner."

Thereupon the policeman is said to have grabbed and pulled him toward the ambulance, saying, "We came to take you to the hospital."

"I'm all right, but don't pull on me in the street in front of all these people," Armstrong is said to have pleaded. Reidman then, according to witnesses grabbed him trying to force him across the street and a scuffle then ensued.

Knocked Him Down

MAY 16 1942

During the scuffle, they said, Reidman was knocked to the ground by one of Armstrong's punches. Rising, he drew his gun and ordered Armstrong to walk before him towards Seventh Avenue. By the time they had reached the corner, Armstrong was a mass of blood from the beating administered by Reidman for the "flooring" he received.

Following the incident, which attracted hundreds up 128th Street towards Eighth Avenue, Armstrong's father is said to have begged Reidman, "Please don't shoot him, my son is sick. You don't have to shoot him, put your gun away, I know you're gonna kill him. He's sick, please don't kill my boy."

MAY 16 1942

Whipped and Dragged

Ignoring the father, left-handed Reidman is reported to have whipped and dragged the young man up the street, wielding his stick and pounding the man on the head and body.

Another policeman in the block joined Reidman and they took a firm grip on the man's sleeve, twisting his hand as they roughed him up on their way toward Eighth Avenue.

Trying to wrench away, Armstrong's blood began to ooze more freely from the brutal beatings, as he knocked one of the officer's cap from his head.

Two More Arrive

The crowd, which by this time had reached almost 2,000 or more, attracted the attention of two mounted policemen who joined the "whipping party," staged by their two fellow-officers.

Drawing a knife from his pocket,

Armstrong, according to witnesses, attempted to further protect himself, when at this point it was said, Reidman told to another officer, "I ought to shoot this dirty . . ." to which his mate replied, "Why don't you?" and Reidman is alleged to have pumped two bullets into Armstrong's helpless body in the presence of more cops who were summoned to the scene in radio cars.

Bystanders stated that while lying dead on the ground before being removed to Harlem Hospital in the same ambulance, a mounted cop leaned over his horse and clubbed the prostrate body over the head.

Cops Vanished

After the body was thrown into the ambulance and whisked away, every policeman at the corner of 128th Street and Eighth Avenue fled from the maddened crowd.

Cornered behind the post office on 126th Street, the Star-News reporters asked the cops why weren't they on duty dispersing the mob, to which one mounted officer whose number was 5189 replied, "We had orders to leave there. Trying to secure order won't help the situation."

Invade Harlem Hospital

Still angered, a mob moved into the Harlem Hospital emergency room in search of Reidman, but a cordon of police, using every technique short of violence, quelled the furious Harlemites.

Someone in the crowd threw a stone which broke a small window in the building. It was the only damage reported. Armstrong's body was taken to Bellevue Hospital.

Seeks Probe

"The N. A. A. C. P. sent the following telegram to Commissioner Valentine and Mayor LaGuardia:

The National Association for the Advancement of Colored People, requests a thorough investigation into conduct of police in the killing last night of Wallace Armstrong by Patrolman Reidman.

"Police version is so at variance with eye-witness story as to give basis for wide spread indignation in Harlem area and we reiterated charges of brutality and cold blooded murder.

"The police department owes to itself as well as to the Harlem Community a careful inquiry. If eye-witness accounts should be sustained, then drastic action is indicated."

It was signed by Walter White.

Chicago Defender
Chicago, Illinois

BIDDLE NAMES INVESTIGATOR IN ARKANSAS

MAY

Killing Of Sgt. Foster By Policeman To Get Second Probe

MAY 16 1942

WASHINGTON, D. C.—Attorney General Francis Biddle announced this week that he has requested Samuel Rorex, United States attorney for the Eastern district of Arkansas, to institute a grand jury investigation into the fatal shooting of Sergeant Thomas P. Foster, United States army, by a civilian police officer at Little Rock, Ark., on March 22.

MAY 9 1942

Rorex will be assisted by Frank H. Patton, a special assistant to the Attorney General and a former attorney general of New Mexico. The Grand Jury investigation is scheduled to begin on or about June 1.

Biddle said the investigation is being made at the direct request of the War Department, which asked that prompt action be taken "in view of the necessity that soldiers, white or Negro, be afforded protection when on pass in a civilian community."

According to reports received by the Department of Justice, Foster, a Negro, remonstrated with military police officers for delivering to the custody of Little Rock policemen a soldier they had arrested for drunkenness. An altercation ensued, and Foster was arrested by the military police.

City Policeman A. J. Hay, the reports indicate, offered to escort Foster to an army truck if the military police would disperse the crowd of several hundred persons which had gathered. Foster, however, resisted arrest and was struck over the head several times with a night-stick. In the struggle he and Policeman Hay fell to the ground.

At this point, reports say, Hay rose to his feet, drew his revolver, and fired four shots into Foster while he was lying in a dazed condition on the ground. Immediately after the shooting, Hay broke open his revolver, reloaded it, and then lit and smoked his pipe.

An investigation was later conducted by Prosecuting Attorney Sam Robinson of Little Rock, who concluded that Officer Hay "was clearly acting in self-defense."

Despite this finding, the Attorney General said, both the War Department and Assistant Attorney General Wendell Berge, in charge of the Criminal Division, have recommended a thorough investigation of the case by a Federal Grand Jury.

Daily World
Atlanta, Ga.

White Physician Says 5 Bullets Were Fired Into Body Of B'ham Victim

APR 14 1942

BIRMINGHAM—(SNS)— Speedy action on the part of a traffic officer put an end to the life of Henry Matthews, last Wednesday evening about 6.30, while both the officer and pedestrian were standing on the corner Fourth Avenue and 18th Street in the heart of the downtown business section.

The coroner closed his investigation of the killing Saturday by declaring that the side-walk slaying was "justifiable homicide."

Later Saturday the officer of the assistant solicitor announced that the question of whether the slaying was justified, or not, would be decided next month by the Jefferson county grand jury. This action was brought about largely by the efforts to Dr Frank E. Nabers prominent white physician, in whose home Mr. Matthews worked as butler.

Dr. Nabers informed the solicitor's office that he had examined the body of his employee and found five bullet wounds all in the back of the victim.

In seeking the facts in the case the press had its usual difficulty in getting eye-witnesses, to state just what happened. However, two Negro ministers, a mail carrier and another bystander, with the help of Dr. Nabors and his wife have given the most authentic picture of what happened:

APR 14 1942

MRS. NABERS' STATEMENT

The statement she issued charged Matthews was shot in the back after having been tripped by the officer and thrown to his knees after Officer Hopkins allegedly slapped him.

Mrs. Nabers' statement declared: "Henry Matthews had been working at my home since January 1. He was a very intelligent, honest and superior servant. He had opportunity to drink liquor, perhaps, while working about the house but never touched it, though his wife says he did take a drink occasionally when not working.

"On last Wednesday he worked as usual and went to town because that was his afternoon off.

"I have been told he went to a barber shop where a friend was employed and spent most of the afternoon in the shop.

"This morning two Negro preachers, the Rev. J. J. Jordan and the Rev. L. M. Smith, told me they were standing near Matthews when it happened and would be witnesses. Their names have been turned over to the solicitor's office. Both preachers said he was not noisy or obstreperous. The preachers told me also that about 3,0000 Negroes met last night in protest against the killing.

"Besides the preachers, a Negro mail carrier was also standing with them and he gave about the same account as the others.

"The story of the shooting as told me by these witnesses was approximately as follows:

UNDERWENT SEARCH

"The policeman beckoned Henry over to him. Henry put up his hands and the officer searched him, removing a paper from his pocket and inspecting it. After returning the paper the officer slapped at him and shoved him When Henry was slapped he threw up his hand, apparently to shield his face, and the next thing they were in a scuffle. Henry fell to the ground, tripped by the officer's Ju-jitsu trick.

"The officer said Henry reached for his gun but the witnesses I have mentioned told me if he did they must have been stone blind

"After that, the officer fired. Although Henry was on his hands and knees and the examination showed all five bullets entered his back, the officer claimed he shot in self-defense.

APR 14 1942

"Even if circumstances were as the officer reported, I see no reason for the shooting because the arrest was being attempted on a crowded street where hundreds could have gone to the officer's aid. I see no justification for five shots fired into the victim's back since the officer already had searched his prisoner and knew he was unarmed."

Mrs. Nabers said her husband and Dr. Thomas Magruder examined the bullet wounds and found three bullets entered the back just above the kidney and two in the shoulder.

Some reports indicated that Matthews was jay-walking. The sandwich. "and had taken one bite three-wheel traffic car in which from it and stepped outside of the the officer rides says in large the local press that he sought to black letters. "Do Not Jaywalk." arrest Matthews for being drunk and disorderly.

An employee of the corner had just purchased a frankfurter counter informed a World reporter Monday that the victim Another report has it that a bus driver reported to the traffic officer that Mr. Matthews had just come in on his bus and had been referred to the NAACP officials said Sunday the case had been referred to their legal committee.

33-1942
News
Birmingham, Ala.

The Slaying Of Henry Matthews

When Henry Matthews, Negro, was slain last Wednesday evening in downtown Birmingham by Officer C. W. Hopkins, *The News* and *The Age-Herald* refrained from commenting on the case, pending an official investigation, because of the officer's statement that he fired in self-defense. On a number of occasions these newspapers have protested against the wanton shooting of Negroes by officers with hasty trigger fingers, and we wondered if the case of Henry Matthews was another such instance.

APR 12 1942

We know that sometimes it is necessary for officers to fire in self-defense. We know that sometimes officers are killed in attempting to make arrests. Certainly not every officer who fires at someone is guilty of wanton shooting.

The inquiry of County Investigator Evans has resulted in a finding of justifiable homicide on the ground that Officer Hopkins fired in self-defense when Matthews reached for the policeman's gun in a scuffle. The officer said he was attempting to arrest the man for being drunk and disorderly.

However, other testimony tends to shed a different light on the case, and there is to be an investigation by the solicitor's office. The contention that Matthews was drunk and disorderly has been denied by some witnesses, as has also the charge that he resisted the officer. More significantly, however, Dr. Frank Nabers, for whom Henry Matthews worked, said his own examination of the body showed five bullet wounds in the back, and none in the front, which is difficult to reconcile with a plea of self-defense. Some witnesses are reported to have said that Matthews was shot several times as he was on the ground on his hands and knees.

APR 12 1942

In these circumstances, it is highly in order that the Grand Jury inquire into this case, and that the city officials make a careful investigation of the officer's conduct.

If this was really a case of self-defense—which it might have been—that fact should be supported more conclusively than has been done so far. If it was not self-defense, then appropriate action under the law should be taken.

In any case, the public, and especially the Negro population of Birmingham, is entitled to a full, thorough and fair inquiry into this case. We trust no public official will fail in his duty to see that this is forthcoming.

Amsterdam Star-News
New York, N. Y.

Brutal Slaying Sifted by D.A.

MAY 23 1942

Ptl. Reidman Accused of Cold-Blooded Shooting of Demented Man in Street

BY J. ROBERT SMITH

District Attorney Hogan is probing the killing of Wallace Armstrong by Officer Harold Reidman of the 28th Precinct last Tuesday night, paving the way for a probable presentation of the case to the grand jury, the Star-News learned exclusively at press time, Wednesday.

Contingent upon the investigation, Officer Reidman, who is still on active duty in Harlem, may be indicted, it was further determined.

Meantime, 6,000 Harlemites held a protest mass meeting at the Golden Gate Ballroom last Sunday, demanding that Mayor LaGuardia, Police Commissioner Valentine and District Attorney Hogan grant a citizens' committee an immediate conference on the matter.

MAY 23 1942

Grew Out of Story

The District Attorney's investigation resulted from the story carried by the N. A. A. C. P. and the People's Committee headed by Councilman Adam C. Powell.

Congressman Joseph A. Gavagan (D.) said at the meeting: "The Mayor, as Chief Magistrate, has the duty to see that violence does not occur, and that when it does, to see that the guilty person is punished."

"We, the people of Harlem, are dissatisfied with a great many things up here." Assemblyman Daniel L. Burrows (D., Man.) said. Assemblyman William T. Andrews (D. Man.) declared, "We are incensed, but we are not going to go haywire. We want an orderly investigation."

MAY 23 1942

Mayor Intervened

Councilman Powell declared that Mayor LaGuardia had sought to have the mass meeting called off, fearful that it would foment a riot.

Efforts by the Star-News to contact the Mayor for a statement relative to what action he expects to take resulted in Captain Harten of his office advising reporters that they should first get in touch with Commissioner Valentine and have him commit himself.

Attempts to reach the Commissioner proved futile.

Negro Youth, 19, Wounded Here by Policeman Dies

JUNE 10 1942

Robert Lee Flanagan, 19-year-old negro, who was shot the night of June 19 by Police Officer W. M. Gibbons, died Thursday in Jefferson Davis hospital.

Flanagan was shot once in the stomach at a drive-in at 1214 Jensen. Gibbons in a statement to officers after the shooting said he was off duty and not in uniform at the time and fired his pistol in self-defense.

Gibbons said the negro pointed a pistol at him and pulled the trigger. The gun failed to go off. Gibbons said he again commanded the negro to drop the gun. When the negro failed to obey Gibbons fired his pistol.

Flanagan lived at 3400 Napoleon.

Peoples Voice
New York, N. Y.

Harlemites Visit DA's Office In Armstrong Slaying Case

MAY 30 1942

***FLASH BULLETIN:** As PV went to press, the People's Committee stated that Officer Reidman still remains on duty despite repeated requests that he be suspended to await further investigation of the case. Eyewitnesses to the slaying, twenty-three of them listed with the Committee, are being called down to the district attorney's office for first-hand testimony. These witnesses include James Douglas jr, whose on-the-scene account was carried in last week's PV.*

Special

Elected representatives of the people of Harlem confronted District Attorney Hogan in his office last Friday afternoon, demanded thorough investigation of the slaying of Wallace Armstrong and full punishment, if the findings warrant, of Officer Harold Reidman who fired the fatal bullets. Following up the storm of protest of Harlem citizens and the refusal, through his secretary, of Mayor La Guardia, to take immediate action in the controversial tragedy, the outstanding community representatives who pledged their enegies to the prosecution of the case at the historic Golden Gate mass meeting a week ago Sunday fired the opening shot in the campaign.

MAY 30 1942

The Harlem group, pointing out that past records gave little basis for expecting grand jury proceedings to result in an unquestioned verdict—since grand jury hearings are strictly private and the records not divulged—insisted that the policeman be brought before open court.

In reply to official inference that a grand jury hearing was believed the best procedure, the case of the slaying of James Glover by Michael Curley, special policeman stationed in the Greyhound Bus terminal downtown a couple of months ago, was cited. In that case, Curley was acquitted of all blame by a grand jury, but failure as yet to reveal conclusive testimony to substantiate the verdict has left the interested public definitely dissatisfied as to the justice of the decision.

Other developments in the Armstrong case were:

● Letters sent all dailies (except PM and the *Daily Worker*) by the People's Committee, requested reasons for their failure to live up to their sacred duty of "freedom of the press" and their omitted reports on the protest meeting, the largest and most orderly over held in Harlem. To date no response has been received.

● A resolution was drawn up by the SCMWA local 1 and sent to the press, mayor and police commissioner—urging that justice be given a fair trial in the case.

Jury Clears Deputy In Death of Soldier

"PM Daily" New York, N.Y.

Special Correspondence

FLAGSTAFF, Ariz., July 18.—A coroner's jury has ruled that Merrill Schremp, state motor vehicle inspector, "acted in the pursuit of duty" in shooting to death Pvt. Jesse Smith, 25, formerly of Philadelphia.

Smith, a Negro, was killed early Saturday when he and six other Negro soldiers from a near-by Army camp fought with police and special deputies. Maj. H. C. Nichols, their commander, said they were AWOL, armed, and had been drinking when the fight occurred.

Smith's associates, still in jail, were not permitted to give their version of the incident.

Washington Post
Washington, D. C.

Police Kill Negro Soldier In Arizona

By the Associated Press

Flagstaff, Ariz., July 11.—Six Negro soldiers armed with machine guns, automatic rifles and pistols terrorized the business district about 3 a. m. today before one was shot and killed and another wounded, Sheriff Peery Francis reported.

JUL 12 1942

Maj. H. [illegible] Nichols, in command of Negro troops on guard duty here, said police shot two of the soldiers and captured the others.

Names of the soldiers were not available.

Major Nichols said the soldier killed was intoxicated and that all were away without leave from their camp. He said he had not learned how the soldiers obtained the weapons.

The sheriff's office reported the soldiers apparently were angered by refusal of admittance to an all-night cafe.

They obtained the arms and began shooting in the street outside the cafe, the sheriff's office said.

Only a few shots were fired, it was understood, and no citizens were injured.

Sheriff's deputies and city police were called. Officers' fire dropped two of the soldiers, and the others were seized and taken to jail, Major Nichols said.

Age-Herald
Birmingham, Ala.

CORONER PROBING ARREST-SHOOTING

Jack Bloodworth, Negro, of 2002 10th Way, Pratt City, was shot and killed by Company Deputy Herbert Gray, of the Tennessee Coal, Iron & Railroad Company, Tuesday afternoon after the Negro resisted arrest for disorderly conduct in the Docena mining community near the commissary, Coroner Gip M. Evans reported.

AUG 13 1942

The coroner said he was told that the Negro exclaimed profanely that he would not be arrested when Deputy Gray attempted to arrest him. A scuffle in which the officer was thrown into a ditch and jumped upon resulted, the coroner said he was informed.

During the fight, which drew in another company deputy who tried to assist Gray, Gray shot the Negro once in the abdomen after the Negro failed to be calmed by a blow on the head by Gray's pistol, the coroner said he was told.

The coroner will hold an inquest at his office at 10 a.m. Wednesday.

Daily World
Atlanta, Ga.

Chambers Killed In Prison By Guard, Brother Tells 'World'

BIRMINGHAM, Ala. —(SNS)— Willie C. Chambers, 27, was killed in prison by a guard at a camp near Atmore or Grove Hill, Alabama, his brother, James (Dizzy) Chambers, 24th Street Red Sox pitcher, who lives at 2126 26th Avenue, No., informed the WORLD Monday.

AUG 13 1942

"Dizzy" Chambers said that the warden notified him last Sunday of his brother's death, and that when he phoned the warden explained that his brother "got angry with the guard" and that the guard shot his brother.

He said that the warden told his mother that she could send the money to have the body embalmed and shipped, but they could not hold the body out of the ground long enough for her to come there and see it. Without money, he said that the family advised that the body be given a prison burial.

Chambers said that he was "wondering what he could do to find out just how my brother got killed." He added that his brother was serving from five to eight years on conviction of the "confidence game."

Thomasville, Ga., Times-Enterprise
August 12, 1942

500 COAL MINERS STRIKE IN DEATH OF NEGRO WORKER

Negro Miner Is Slain In Dispute Wtih Company Deputies of Docena Coal Mine

Birmingham, Ala., Aug. 12. (AP)—The Docena coal mine of the Tennessee Coal, Iron and Railroad Co., was closed today when approximately 500 miners failed to report for work following the slaying of a negro miner there yesterday.

The negro, Jack Bloodworth, 35, was killed during a fight with company deputies, Coroner Gip M. Evans said.

A company spokesman said Bloodworth was one of a group of negroes who went to the Docena time office to get their pay prior to induction into the army.

Bloodworth objected to a deduction of 50 cents for failure to turn in his company badge, the spokesman added, and company deputies were called.

Coroner Evans said his preliminary investigation showed Bloodworth attaacked Deputy Herbert Gray, throwing the company officer into a ditch, and then following him across a road before the shooting.

Most of the miners of Docena are negroes. It is one of four principal sources of fuel for TCI blast furnaces.

Daily World.
Atlanta, Ga.

Youth, 17, Dies In Police Custody

SEP 10 1942

PONCHATOULA, La.—(ANP) — The wave of police brutality sweeping the south struck Tangipahoa parish, the heart of Louisiana's strawberry district, last Wednesday when a 17-year-old youth ended a two-week game of hide-and-seek with law officers by succumbing to a three day period of grueling third degree administered in the jail here, according to statements from relatives.

Police officials classed the youth's death as suicide. However, acquaintances and relatives call it murder and produced a pair of blood-streaked trousers and a bloody shirt, plus the broken stem of a pair of eyeglasses as mute evidence of a brutal beating.

BODY BROUGHT FATHER

The victim was N. C. Wishop, whose bruised and swollen body was delivered to the father only 12 hours after the parent pleaded with the sheriff on the parish to move the youth to another jail for safe keeping. The father's action was a response to the boy's plea to "get me out of here because they are beating me to death," a message which was sent out by one of the prisoners who was an eyewitness to part of the beating.

Two weeks ago a Ponchatoula officer went to the home of the Wishops where an argument led to a fight between the law representative and Mrs. Wishop. When the man attempted to pull his gun the mother is reported to have knocked him down, causing the gun to fall on the floor. Before the gun could be recovered the son grabbed it and ran from the house in order that the white man could not shoot his mother. He escaped but immediately a searching party was organized. Monday the youth was captured.

Describing the condition of the body as it was taken from the jail the father stated:

BEATEN ON FACE

"He was cut under the chin and cut over the left eye. You could see where there was a hole over his top lip, and there was a cut between his eyes. His face was swollen and his right arm was badly bruised. You could hear the bones moving. He was beaten on the left side of his face."

The youngster wore glasses when arrested but only a broken stem was found.

A man who was prisoner during the time the boy was arrested declared that "they handcuffed him through the bars with his shirt up and his pants down. They were whipping him with a belt one-half of an inch thick and split in three parts."

There is no knowledge of an investigation being made.

33-1942
Washington Post
Washington, D. C.

Inquest Set In Shooting By Auxiliary

OCT 25 1942

An inquest into the fatal shooting of a 19-year-old Nero laborer by an auxilitary police lieutenant early yesterday, will be held at the District Morgue tomorrow morning.

The victim, Ellsworth Payne, of 1640 Florida Avenue Northwest, died of a wound in his abdomen at Garfield Hospital at 5 a. m. after he was fired upon by William F. Jones, Negro, 26, of 813 Forty-sixth Street Northeast, an auxiliary policeman attached to the Thirteenth Precinct.

According to detectives, Jones, who was off duty and in civilian clothes, became involved in an argument with several men outside of a beer garden at 1223 U Street Northwest, about 2:10 a. m. One of the men swore at Jones and took a punch at Paul Johnson, Negro, 27, of 5313 Central Avenue Northeast, a friend of the volunteer officer.

At this point Jones identified himself by his badge and attempted to arrest Alfred E. Palmer, Negro, 21, of 621 Fairmont Street Northwest. Several other men jumped on Jones and he attempted to defend himself with a blackjack but this was taken from him, it was said.

OCT 25 1942

Johnson said in a statement yesterday that he and Palmer were on the ground fighting when he heard a shot. He learned later, he asserted, that Jones fired one shot at Payne when the latter struck him.

Payne was taken to the hospital in a private automobile and Jones and regular policemen from the Thirteenth Precinct rounded up Palmer and Fred R. Williams, Negro, 19, of 1740 Eighteenth Street Northwest, and held them as United States witnesses.

Jones was placed in technical custody and will appear at the inquest.

OCT 25 1942

Police officials stated last night that auxiliary policemen have been instructed not to carry firearms, but that they have no control over this factor since Judge Walter J. Casey of Municipal Court ruled that auxiliary policemen have equal rights with regular officers. His decision came in a case of an auxiliary patrolman who was charged with carrying a concealed weapon.

Negro Labor News
Houston, Texas

COP WHO KILLED MAN IS CHARGED WITH MURDER

OCT 24 1942

MEMPHIS—(ANP)—Accused of firing the shot which fatally wounded Louis Seay, former Patrolman C. L. Swagerty, 28, last week faced a murder charge here after receiving his dismissal from the police force. Swagerty, who was off duty when the slaying occurred, said he shot Seay when he resisted arrest.

The slaying took place on Saturday night, but no police report was made until Sunday when Commissioner of Police Boyle and Chief Seabrook both parried as to details. Swagerty was reported to have been passing 849 Poplar street, scene of the killing when Seay staggered by. Swagerty said he attempted to arrest Seay, whom he described as drunk, and pulled out his revolver to subdue him when he resisted arrest.

In the tussle which followed the gun was fired, a shot in the head felling Seay, the commissioner's report declares.

OCT 24 1942

In commenting on his action in dismissing Swagerty, Commissioner Boyle said: "I cannot condone either his conduct or his actions on Saturday night."

Swagerty was put on the police force Aug. 28, Chief Seabrook said.

POLICE KILLINGS

Memphis Tenn. Com'mercial Appeal
October 13, 1942

A Matter For The Courts

No more unfortunate happening could have occurred in Memphis at this particular time than that which took place Saturday night when a policeman with a "hair-trigger" finger shot a negro to death in the streets.

The policeman has since been dismissed, but by no means should that be the end of the incident. Justice and continued community well-being demand that the slayer be brought into the courts.

It is admitted that there were some provocative circumstances present, but by no means were they of such gravity that a killing was justified. The victim is alleged to have been drunk and profane when the officer encountered him, and therefore was clearly "out of line," but his arrest could have been effected without resort to gunplay. Obviously the policeman's superiors considered him in the wrong, for they dismissed him.

Within the week, Federal and city authorities have appealed to the people of Memphis to have done with certain fears and to behave soberly and calmly in relation to all racial matters. These appeals had an immediate beneficial influence and a city returned to sanity.

The people, on their part, will look to law enforcement agencies and agents to set the example of good behavior in trying times. Saturday night's killing was anything but good example.

Nor will the public take with good grace the "covering up" by police authorities of the news of this incident, no matter how well intentioned—if it was that—the censorship. It was hopeless censorship of the worst sort. Too many persons saw the tragedy and soon many more were talking about it. The incident was ugly enough of itself, but as the talk spread, the more colored and exaggerated—and more ugly—the story became. Eventually it could have helped create an even greater tragedy.

It is hoped that those who imposed police censorship will see it in that light. The public will never lose balance if it is always told the truth.

Chicago Defender
Chicago, Illinois

ARMY NAMES DIXIE COP M. P. SLAYER

Justice Department Gets Case Of Louisiana's Brutal Murder

Nov. 21 1942

WASHINGTON.—A sweeping indictment accusing a white Louisiana state trooper with full, complete blame for the brutal slaying of a Negro MP in Alexandria early this month was in the files of the War Department today.

In an official Army report by General Drummond of the eighth service command at San Antonio, Trooper Daughter McCollon was charged with the unwarranted shooting and killing of Raymond Carr in the main street of Alexandria's colored community on November 1.

Full prosecution of the state trooper was asked by General Drummond in his report to the army.

The army action is a break with precedent since in every other instance of such attacks, the authorities have glossed over and suppressed the facts. However, it is believed that army authorities are becoming increasingly alarmed at the repetition of these slayings of Negro troops and has finally decided that action is essential to halt further outbreaks.

Acts of "Treason"

Charges that these continued instances of Dixie defiance of Federal laws borders on a state of "treason and anarchy" have also spurred action.

His probe found that Carr and another Negro MP on duty at about 1 a.m. had seen two white state police beating up a Negro woman on the only Negro business thoroughfare in Alexandria. When they protested verbally, the two whites told them to go to police station under arrest.

They refused to leave and the two whites assaulted them with pistol butts and clubs. The two MP's were not armed.

Finally one MP agreed to go to the station but Carr protested that they had been ordered to remain at their posts. McCollon then drew his pistol and shot him in the back as he lay on the sidewalk.

Kept In Basement

Taken to a civilian hospital he was kept in the basement, bleeding for several hours before his wounds were tended. He was taken to the Camp Livingston hospital later, and died four days later.

The War Department investigation followed with the demand by General Drummond for action. However, since the War Department can take no action directly, state authorities were asked by the army to arrest McCollon and hold him for trial. The state of Louisiana refused to accede to the demand.

It is reported that the entire file on the case has now been turned over to the Department of Justice with a request for Federal intervention through the U. S. courts.

No Action Taken

Victor Rotnem of the Justice Department acknowledged late last week that the case had been discussed but no official action taken as yet.

Army demands for prosecution of the white trooper meanwhile have been bolstered by angry demands from Negro organizations, who point out that this is the second such incident in Alexandria, the first involving the slaying of 10 Negro MP's by policemen in what has come to be generally known as "Little Pearl Harbor."

Walter White, secretary of the National Association for the Advancement of Colored People, wired Secretary of War Henry L. Stimson asking for "drastic action."

Back In Authority

"We are informed that the slayer was suspended for only one day and has been restored to full authority. We are further informed that state police have told army authorities in effect that they do not intend to recognize authority of the army. If this be true, a state bordering of treason and anarchy exists which you as Secretary of War cannot ignore.

"It is imperative that the War Department take a definite, unequivocal position with respect to this and other attacks by white police and civilians on Negro soldiers in the South. Unless this is done there will be inevitable repetition and multiplication of these attacks. We urge that there be no further temporizing with this increasingly vicious situation."

Afro-American
Baltimore, Md.

La. Cop Who Killed M.P. Still at Large

Nov. 21, 1942

(By ANP)

WASHINGTON

War Department officials are demanding that action be taken against the white State trooper who shot and killed Raymond Carr, 21-year-old military policeman, at Alexandria, La., November 1.

According to reports, Carr, who was attending to his duty, was attacked by one white State trooper, who knocked him down, while another shot him in the stomach and back as he attempted to rise.

General Blames Trooper

The wounded man was taken to a civilian hospital where he lay bleeding in the basement for several hours. Later he was transferred to the hospital at Camp Livingston, where he died four days later following an operation.

General Drummond of the Eighth Service Command at San Antonio, who investigated the case, reported to the War Department that the trooper, Daughton McCullon, was in fault.

State Refuses to Act

Since the Department can take no action directly, the State authorities were requested to arrest McCullon and hold him for trial. This the State refused to do.

The matter has been turned over to the Department of Justice with a request that action be taken. On Saturday, Victor Rotnem, of that department, said that no official action had been taken as yet.

Carr has three brothers in the armed forces.

U.S. MAY MOVE IN ON JERSEY "WITNESS" CASE

TRENTON, N.J.—Mayor Frank Hague of Jersey City and his political machine may become involved in a fight with the U.S. Department of Justice as a result of the detention of eleven persons as "material witnesses" in Hudson County jail for five months, it was disclosed this week.

LT. WILLIAMS ASSIGNED TO CO. K, 366TH INFANTRY

FORT DEVENS, Mass.—Second Lieutenant Robert J. Williams, son of the late Mr. and Mrs. Charles Williams of Washington, has been assigned to Company K, 366th Infantry. He is a graduate of Howard University.

The Northwest
Enterprise
Seattle, Washington

POLICE KILL YOUTH DURING MILE CHASE

Nov. 18, 1942

Police shot and killed Morris Hill 21-year-old Negro, at 15th Avenue and Yesler Way about 8 o'clock that morning after a mile sought to question him about rechase that began when they cent instances in whihc women pedestrians have been molested.

The fatal shot was fired by Patrolman W. A. Drake as Hill fled through a backyard.

The chase began in the vicinity of Providence Hospital, where Mrs. C. A. Lane, a nurse, was waylaid on her way to work at the hospital the morning before. The Negro assailant fled when she screamed.

Nov. 18, 1942

Hill, identified as a shipyard worker, was hit in the chest with a revolver bullet.

Police Spot Suspect

Patrolmen Drake and A. J. Hill first saw the suspect about 7 o'clock that morning at 17th Avenue and East Union Street, where they had been watching for the Negro who seized Mrs. Lane previously and who also had held up another woman in the same area Monday morning.

Patrolman Hill said the suspect fled through a vacant lot as they turned their prowler car lights on him. The officers then circled through the area toward Yesler Way, and Hill once more eluded them by running through a vacant lot.

Nov. 18, 1942

"We went up to 16th Avenue and Washington Street then," Patrolman Hill said, "and saw the youth fleeing behind a boarded-up Japanees church, heading toward Yesler Way.

"We got out of the car and pursued him, shouting for him to give himself up. Drake fired two shots with his service revolver and then I let go with the shotgun. I though that dropped him, but the only wound found was a revolver shot in the left shoulder."

Nov. 18, 1942

A coroner's inquest was scheduled today, Wednesday. Attended by NAACP officials.

Officer Shot, Killed at Spartanburg

JAN 5 - 1942

The State
Columbia, S.C.

Spartanburg, Jan. 4—(AP)—State highway patrolman Norris Nettles, 25, was shot to death today at a Negro house where he had gone to make a traffic investigation.

JAN 5 - 1942

An hour later, four Negroes had been lodged in jail while action of the slaying, which occured on the Spartanburg-Union highway, near Camp Croft.

John Rass, foreman of a lumber plant who lieved nearby, said he saw a car filled with Negroes drive into the yard, followed by a highway patrol car. As Nettles started to get out, Rabb said, a Negro attacked him and then "Negroes poured out of the house." Rabb said he went to the patrolman's defense and during the ensuing scuffle a shot sounded and Nettles fell.

Dobie Young, put the Patrolman into the car and that the patrol-

continued on page 7; column 6

man said, "Lord, I'm shot." Nettles died soon after entering a hospital.

George Pollock, a military policeman, also said he was standing nearby and almost simultaneously with the shot, he saw smoke drift across the front of the Negro home. He arrested two of the four Negroes who were jailed.

Shortly after the shooting, approximately 50 officers had gathered, there was no sign of mob violence.

Nettles, of Yemassee, is survived by his widow, who was in Johnson City, Tenn., at the time he was shot.

Constitution
Atlanta, Georgia

Double Killings In S. C. Solved; Youth Is Held

3 - FEB 28 1942

FEB 28 1942

19-Year-Old Boy Says Robbery Was Motive.

SPARTANBURG, S. C., Feb. 27. (AP)—Two brutal double-killings within a fortnight were written off as solved today with the arrest of a 19-year-old Negro who, Sheriff Sam Henry said, admitted both crimes.

Henry said the Negro was Jesse Jones, who formerly worked as a cotton picker for J. L. Hughes, one of the victims.

The sheriff and other officers questioned Jones about details of the killing of Mr. and Mrs. J. L. Hughes at their home in the Glendale section last Tuesday night and the deaths of Columbus Petrie, an aged farmer, and his sister, Maggie, at their home in the Ben Avon community early the morning of February 15.

Both couples were hacked and clubbed to death with an ax.

Sheriff Henry quoted Jones as saying he killed both couples with robbery as the motive. The numerous blows, Henry said, were explained by the Negro, who said he struck the victims lightly at first in an effort to force them to tell the whereabouts of their valuables.

Daily World
Atlanta, Ga.

NAACP May Enter Laurens Case

COLUMBIA, S. C.—(SNS)—The NAACP may enter the case of a 60-year-old [illegible] man who a month ago shot to death a young white man by the name of Nance as the latter jumped out of his car and advanced on the aged man in Laurens following a disagreement between the two.

While confirmation or denial was not available the first of the week, authoritative sources declared that "startling revelations have been made in an investigation" of the case, interested parties

Chicago Defender
Chicago, Illinois

Order New Trial For S.C. Slaying Suspect

New York Age
New York, N. Y.

COLUMBIA, S. C.—In a decision which saved 17-year-old Sammie Osborne of Barnwell county from an early execution, the state supreme court reversed his conviction on a murder charge, July 6, the N. A. A. C. P. announced this week.

JUL 18 1942

The court ordered a new trial basing its decision on the ground that the trial judge had failed to charge the jury that it is the right of a man to defend his home.

The case was considered so important in the white community that Sol Blatt, speaker of the state House of Representatives and Senator dgar Brown, president pro-tem of the state Senate, were hired as special prosecutors.

The Columbia N.A.A.C.P. and the national office obtained the services of Attorneys W. Humel Harley, son of the late governor of South Carolina, and Frank P. Cave, to defend Osborne.

In September, 1941, Osborne was indicted, tried, and convicted for killing W. P. Walker, white Barnwell county landlord, on August 17, 1941.

Walker had ordered Osborne, who worked for him, to work in the cornfield and Osborne had refused because he was ill.

in which for the aged man have contacted the New York NAACP office.

JUL 11 1942

One advert is that the case may develop into one of a sharecropper and landlord matter, "reeking in frightful torture and slavery."

Order New Trial For Negro Accused Of Killing White Man

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In September, 1941, Osborne was indicted, tried, and convicted for killing W. P. Walker, white Barnwell County landlord, on August 17, 1941. Walker had ordered Osborne, who worked for him, to work in the corn field and Osborne had refused because he was ill. Walker threatened the youth. Osborne went to the home of Girard Davis which was invaded by Walker armed with a stick and a gun, the next morning. Walker beat Osborne while he was in bed, after which Osborne killed the white man with a shotgun.

The NAACP national office and the Columbia branch of which Rev. E. A. Adams is president, are planning for a new trial.

Daily World
Atlanta. Ga.

Tenant Farmer, 62, Shoots "Boss" To Avoid Beating

Aged Laurens County Man Tells Of Beatings, Murders, Peonage, Why He Shot Senator's Son

COLUMBIA, S. C.—(SNS)—
Sixty-two-year-old Jeff Pulley of Cross Hill in Laurens County, rushed to the penitentiary here for safe-keeping after he shot to death Cal Nance, son of former state senator Nance and "boss" of the several thousands acres where colored men and women work the year round, told a pitiful story Monday to Attorney Harold R. Boulware when he was finally interviewed after being incarcerated June 12 and only after Governor R. M. Jeffries ordered obstinate guards at the penitentiary to let him receive counsel.

HIS STORY DIFFERS

Pulley, whom Mr. Boulware said has had little education and is a "strapping" man, told a story that differs from newspaper versions of the fatal shooting. The papers had said he shot Nance as the latter jumped out of his car and started towards him during an argument. Pulley said he shot Nance, accidentally, as the latter held his feet and a Negro, known to him as Gee Lee (or Leach), strangled him in the back of Nance's car. "I was shooting at Gee Lee and didn't know I shot Nance until the next day," he said.

Pulley said he had just come home from working for "Mr. John Henry," an uncle of Cal Nnace, June 12 when the latter and Gee Lee, whom he said was Nance's stooge and buddy, drove up to his house. Nance was mad, he said, and told him: Get in this damn car, nigger." When he asked why Nance told him, "Didn't I tell you niggers if you worked for John Henry I'd kill every damn one of you?" Pulley refused to go and the two drove away.

SHOOTING OCCURS

Pulley then sat on his doorsteps, he said, and a few minutes later the two men returned and called Pulley to the car. "Mr. Cal was mad," Pulley said. "He told to get my so and so in the car and that he was going to kill all of us damn niggers. I was scared because just three weeks before Mr. Cal killed a colored man by the name of 'Hitler' because he worked for somebody else. I didn't want to be killed for nothing."

Nance and Lee got out of Nance's car and grabbed him, Nance around the legs and Gee Lee around the shoulders. After a struggle they subdued Pulley and put him in the back of Nance's car. Gee Lee was strangling Pulley, he said and the two were beating him. He worked his hand to a hip pocket and pulled his gun. "I wanted to shoot that Gee Lee 'cause he is always doing something to hurt us. He was a stooge for Mr. Cal and nobody liked him. He and Mr. Cal always drank whiskey together. Mr. Cal drank all the time. He and Gee Lee was drinking then."

Pulley, obtaining his gun, fired but struggling the bullet intended for Gee Lee struck the white farmer. Lee fled and Pulley, anxious to escape death, fled also not paying any attention to the two men. It was not until later, he said, that he learned he had shot "Mr. Cal" instead of Gee Lee. He was arrested the next day and brought to Columbia for safe-keeping.

Pulley claims that he is widely known in his hometown and held the respect of white and colored citizens. He has lived in Cross Hill most of his life, he said. Financially unable to retain counsel he reposes in jail to await trial in September. Several South Carolina prominent white attorneys have offered to assist the prosecution in the case against Pulley. The case is being investigated, also, by state NAACP officials.

Atlanta Ga., World
November 14,1942

NAACP Seeks New Appeal For Osborne

COLUMBIA, S. C.—(SNS)—
The Columbia NAACP branch has undertaken a second appeal in the Sammie Osborn Case, James M. Hinton, state NAACP head said Tuesday. The services of Attorney John Stansfield of Aiken have been secured and efforts launched to raise a $500 sum needed to bring the case before the State Supreme Court for a second reviewing.

The organization has paid Mr. Stansfield $100 of the amount and will pay $150 more by November 15, Mr. Hinton said. The balance is to be paid by the first of December.

Notice of the appeal for Osborn has been served. Scheduled to die a second item October 30, Osborn convicted for the slaying of a white Barnwell country farmer in September of 1941, is in the state pententiary in Columbia. More thn $800 have already been spent in the case, the money having been raised by Negroes in Columbia, excepting $100,000 which was contributed the citizens of Barnwell.

State Offers Reward For Slayer Of Deputy

Courier

FEB 7 - 1942

RIPLEY, Tenn., Feb. 5—With a reward of $600 upon his head, Yancey DeMoss, farmer, wanted in connection with the shotgun slaying of Deputy Sheriff Charles Gaines last Saturday, had apparently eluded an 80-man posse and fled from Lauderdale County, officials said today.

Bloodhounds pressed into the man-hunt by Lauderdale officers tracked the fugitive all day Tuesday, losing the trail at the end of a dirt road near Pleasant Hill, Tenn.

Deputy Sheriff J. H. Mathis who accompanied Gaines to DeMoss' home Saturday night to arrest him on a chicken stealing charge gave this version of the fatal shooting:

"Charlie went on in to the kitchen and about that time Yancey DeMoss shot him through the stomach. Charlie told me later when I rushed in to him that Yancey came through the door after he had loosed the fatal shotgun blast and jumped on Charlie stomping his face. When I got to Charlie his face and mouth were all bloody."

FEB 7 - 1942

GOVERNOR BOOSTS REWARD $500

A crowd of white men quickly formed a posse and lit out after the panic-stricken man who wildly plunged through the underbrush successfully evading the pursuing officers and posse members. Federal officers from Dyer County and Sheriff Tip Hunter of Haywood County joined the posse later and aided in the search.

The reward for the fugutive's apprehension mounted to $600 yesterday when Governor Prentice Cooper offered $500 in behalf of the state for Yancey's capture.

A previous offer of $100 for the slayer's capture was made by Lauderdale Sheriff Charlie Shoaf who was in a Memphis hospital at the time of the slaying, recovering from injuries received in an auto accident.

The Plaindealer
Kansas City, Kan.

TENN. MAN FREED IN KILLING OF NEGRO

FEB 6 - 1942

NASHVILLE, Tenn.—Chief of Police John Griffin said this week that he had investigated charges that a city detective shot a Negro Saturday afternoon "for no reason" and had absolved the officer of "all blame."

Chief Griffin said "several Negroes" had called him since the shooting, charging that the officer shot the Negro "while he was standing still with his hands up," but said notarized statements from witnesses bore out the officer's statement that the Negro was attempting to assault him with a knife when the shot was fired.

FEB 6 - 1942

The Negro, Robert Jackson, 24, of 705 Sixth Avenue, South, is still in General Hospital in a critical condition with a bullet wound in his abdomen. He was shot by City Detective L. W. McMahon at Eighth Avenue, South, and Lee Avenue, after being identified as the Negro who "ran berserk" at Fifth Avenue, North, and Church Street, "cursing and threatening white people with a knife."

FEB 6 - 1942

Commercial Appeal
Memphis, Tennessee

NEGRO PLEADS GUILTY TO ROBBERY SLAYING

Bound Over To Grand Jury On Murder Charge

MAY 12 1942

Robert George Cannon, 26, negro, exconvict of 161 Short Third, pleaded guilty before Squire Phillips yesterday on a charge of first degree murder in the brutal pistol slaying of Roy Woods, 21-year-old Firestone employe, early Saturday during a holdup at the Spur Filling Station, Second and Auction.

He was held to the state on that charge and on charges of robbery and carrying a pistol in connection with the holdup of a station attendant which was in progress when Mr. Woods and three companions stopped at the station.

The negro also was bound over to the Grand Jury on charges of robbery, assault to murder and carrying a pistol in a holdup of another Spur station at Third and Calhoun May 6. Police said he admitted robbing the place after slugging the attendant, Boots French, 1252 South Driver, with a wrench.

MAY 8 1942

In a written confession to Homicide Bureau officers, Cannon said he shot Mr. Woods "because he was too slow about getting out of his car when I told him to."

Daily World
Atlanta, Georgia

Man Dies From Brutal Attack By "Hoodlums"

FEB 20 1942

MEMPHIS, Tenn.—(SNS)—A merciless beating probably administered late Saturday night by a gang of youthful hoodlums who hang around the corner of Lauderdale Street and Iowa Avenue, led to the death of Charles Greene, 32, 545 Iowas, Apartment 16. Greene died from the brutal beating the following Monday night in John Gaston Hospital.

Direct blame for the fatal assault is being placed on Joe Powell, 22, who lived with his parents in the vicinity of the attack. Relatives of the slain man, and others who saw his condition after he was picked up on Iowas following the beating state that it is highly questionable that one man could have beaten the man so badly.

It was stated that Greene, allegedly in the habit of drinking heavily, had encountered Powell at Uncle Joe's Barbecue Stand on the corner of Lauderdale and Iowa, last Saturday night. There was said to have been a grudge between the men, growing out of Greene's stopping Powell and several companions from beating up another fellow several weeks previous.

FEB 20 1942

When Greene, after having drunk a bottle of beer, met Powell, the argument was resumed. Powell is alleged to have struck Greene with a heavy stick, after Greene had drawn a knife on him. It was not established whether Greene had a knife or not. Relatives stated that when he was picked up, all of his money and valuables were gone, evidently removed by his assailants.

FEB 20 1942

Before the assault, Greene and his wife had stopped at his brother-in-law's shoe repair shop, the Barnes Shoe Shop at Lauderdale and Wicks. He had been drinking at the time. The couple then went to a nearby grocery to purchase food. Later, Mrs. Greene went home, while her husband stopped by Uncle Joe's. It was there that he bought another quart bottle of beer, and had the encounter with Powell.

FEB 20 1942

When found Greene was lying on the curb on Iowa just across the street from the barbecue stand. There was no blood to be seen, but various bruises and contusions on his head revealed that he had suffered a terrific beating. He had been kicked in the face and head and evidently beaten with a blunt weapon. He was half-conscious and unable to talk clearly.

Passersby called his wife and other relatives and he was taken home. An ambulance was called after it was seen how seriously he was hurt, but when none arrived immediately, his brother-in-law, Henry Barnes, the proprietor of the shoe repair shop, took him in his car and carried him to the hospital.

X-Rays were taken by John Gaston attaches and it was seen that the man was suffering severe internal hemorrhages. Never regaining complete consciousness, and never able to tell anything about who attacked him, Greene died at 7 o'clock Monday morning.

The accused assailant, Joe Powell, was still being sought by the police late Tuesday evening.

Witnesses to the brutal attack place the blame on Powell. It was stated by one of Greene's relatives that Joseph "Uncle Joe" Graham, owner of the Barbecue Stand, told him (the relative) that he had taken the stick from Powell and stopped him from beating Greene But, Mr. Graham could not be reached for a statement confirming the statement.

Other citizens in the community mentioned the fact that it is usual to find a large gang of rough, ill-mannered, and meddlesome boys and young men constantly hanging around the corner in the vicinity of the barbecue stand. They say the gang constitutes a menace and a nuisance. The group was compared with similar gangs of colored boys and half-grown youths who loiter around Walker and Mississippi Avenue, Polk and Orleans, and Georgia and Lauderdale. The gangs have a reputation for 'ganging' individuals, molesting women and passersby, and creating general disturbances.

Greene is survived by his wife, Mrs. Sallie Greene; his parents, Mr. and Mrs. John Greene, of Utica, Mississippi; and other relatives, including Frank Greene, German Porter, Mrs. M. B. Armstrong, Mrs. Sallie Bell, Mr. and Mrs. Henry Barnes, Mr. and Mrs. Frank Barnes, and Mr. and Mrs. Tommie Barnes.

Interment was made by the Southern Funeral Home.

Chattanooga, Tenn., Daily Times
October 30, 1942

REMEMBER TOBY CARR

The Woodland Park Baptist Church, which has one of the largest auditoriums in the city, was filled to overflowing with friends who came Wednesday to pay a last tribute to A. E. ("Toby") Carr, young police officer who had died of a bullet wound received in line of duty. Toby Carr was buried under a mountain of flowers at Forest Hills.

The officer was fatally wounded by a Negro whom he was trying to arrest. The Negro had once been tried for murder, but had not been convicted.

Mr. Carr was a member of the Woodland Park Baptist Church and of its Men's Bible Class. In the congregation Wednesday were also his fellow officers of the police force and other representatives of all of the courts and all of the law-enforcing agencies of Chattanooga.

As touching and as impressive as was this parting tribute to Toby Carr, the Chattanooga police can pay him still a stronger evidence of respect and affection. They can end an attitude of easy tolerance towards desperadoes of whatever race who arm themselves to the teeth. They can protect their own lives and the lives of all citizens by declaring unrelenting war on pistol or gun carriers, on the places which sell these weapons to men who have no business with them, on the places where, with cheap liquor and even more insidious drugs, these "bad men" whip themselves into an attitude of contempt for the law and into an urge to kill.

Toby Carr will not have died in vain if his passing brings a forthright tracking-down of all "bad men" in this city who may be reserving a bullet for another brave officer or for some other citizen of Chattanooga.

Daily World
Atlanta, Ga.

Kills Memphis Deputy Sheriff

OCT 31 1942

By Mistake, Inn Employer Gives Up

Defendant Says Act Result Of Mistaken Identity

OCT 31 1942

MEMPHIS —(ANP)— Claiming the slaying was a "mistake," Henry Nichols walked into the Shelby County jail and surrendered to Deputy Sheriff John Friddle at noon Saturday, eight hours, after he shot and killed Deputy Sheriff Paul Thomas McDavid as the latter sought to raid the Sunny Side Inn., operated by Nichols.

Nichols told Sheriff Perry that the shooting was a plain case of mistaken identity. He said he thought the deputy was a soldier who had been put out of the inn a few minutes before the slaying. Nichols had an argument with the soldier and the latter threatened to return and kill him, he said.

Charges of first degree murder and carrying a pistol were placed against Nichols who pleaded "not guilty." Jack Hurst, employe of Nichols, also was arraigned for carrying a pistol and entered a not guilty plea. He is understood to have drawn a gun on the soldier during the argument.

McDavid and his partner, Deputy Jim Meek, had been directed to the inn after answering a radio call "to meet a party" who would give them information over a man who had been hit on the head. Meek entered the front and McDavid went to the rear entrance where he was shot as soon as he opened the door.

33-1942
Commercial Appeal
Memphis, Tennessee

NEGRO SHOT TO DEATH IN GUN BATTLE HERE

Belt Buckle Deflects Bullet, Saves Policeman's Life

A belt buckle was apparently all that saved the life yesterday of Police Officer R. B. McCalla, who wit banother officer fought a brief midmorning gun battel with a negro in the rear of 657 dams.

The negro, Sidney Richardson, 40, a laborer, was shot through the heart by one of four bullets fired by Patrolman Ernest D. Stone.

The two officers went to the scene after receiving complaints of a disturbance between the negro and his wife.

Richardson met the officers with one hand behind his back. sked what he was hiding, he replied "nothing."

Patrolman McCalla caught at the negro's arm. Richardson drew a pistol and fired at Officer McCalla. The bullet struck his belt buckle and glanced away, knocking him to the ground.

The negro turned to open fire on Patrolman Stone, but four rapid-fire shots from the patrolman's gun put an end to the battle.

Patrolman McCalla was taken to St. Joseph's Hospital, where he was treated for a superficial wound on the abdomen.

33-1942

TENNESSEE

Commercial Appeal
Memphis, Tennesse

MEMPHIS NO LONGER THE MURDER CAPITAL

Homicides In City Continue Sharp Decline

JAN 1 0 1942

32 REPORTED LAST YEAR

Murderers Caught In 31 Of Cases — Police Department Clears Up 10 Killings Earlier Listed As 'Unsolved'

Memphis was once known as the "murder capital" of the country—that was back in 1932 when 105 persons were murdered here and 25 of the homicides were unsolved.

That notorious "distinction" if ever true, definitely has no factual basis now. JAN 1 0 1942

Rate "Very" Low

Last year the city had but 32 homicides, a "very" low rate for a city of Memphis' size and the lowest number recorded here in recent years, if not in history. The Police Department's Homicide Bureau not only ferreted out the murderer in 31 of these cases but went back into the "unsolved" murders of past years to clear 10 of them.

Murdered here in 1941, according to the annual report of Capt. W. D. Miller, Homicide Bureau chief, were three white men, 23 negro men and six negro women. The guilty party in 28 of these deaths was arrested and charged. One murred committed suicide. Persons responsible for three of the homicides are known to police here and are being sought for the local department by police in other cities.

One of Memphis' 1941 murders remains unsolved—attriblted to "unknown person or persons."

It is the strange case of Clarence Parrott, 43-year-old employe of C & S Liquor Store on Chelsea, who was found fatally shot on the floor of the store the 29th of last January. He died without describing his assailant. Police questioned numerous suspects, established the motive as robbery, but thus far have not been able to identify the murderer. JAN 1 0 1942

Feather In Caps

Brightest feather in the cap of the homicide detail was the solution of the poisoned milk murder of Walter Lewis Samples, elderly bachelor who died in February. After a sensational and mystery-shrouded investigation, Mr. and Mrs. L. R. House were arrested and convicted.

Memphis in 1932 had 105 murders, 25 unsolved; in 1933, 96 murders and 27 unsolved; in 1934, 93 murders and 25 unsolved; in 1935, 103 murders and 30 unsolved; in 1936, 72 murders and 18 unsolved; in 1937, 36 murders and 13 unsolved; in 1938, 57 murders and 17 unsolved; in 1939, 38 murders and 12 unsolved, and in 1940, 59 murders an 12 unsolved.

Tuskegee News
Tuskegee, Alabama

Lessening Homicides

JAN 1 7 1942

Memphis' record of 32 homicides in 1941 is in sharp contrast with those days when the annual total exceeded 100 and Memphis, rightly or wrongly, was called the world's "murder capital." A number of things have contributed toward the great improvement which has been made—greatly intensified policing, particularly as to the sale and carrying of weapons, more vigorous prosecution of slayers, and a sterner attitude on the part of trial juries.

Of the total of 32 homicides last year, 29 involved negroes and, for the most, were in the unpremeditated categories. Homicides cannot be anticipated by police, but unquestionably their attitude that murder is "out" among negroes has had a salutary effect. There was that time when law enforcement took none too seriously slayings involving negro principals. JAN 17 1942

The record is yet far from satisfactory but vast progress is being made and for that we can, as a community, be grateful.

Commercial Appeal
Memphis, Tennessee

NEGRO KILLER FLEES

JAN 27 1942

Yancey DeMoss Accused of Slaying Lauderdale County Deputy

RIPLEY, Tenn., Jan. 26.—Sheriff Charlie Shoaf said Monday night that Yancey DeMoss, negro, charged with the slaying of Deputy Sheriff Charles Gaines Friday night, apparently had made good his flight from Lauderdale County.

The sheriff said he was having several hundred posters carrying the negro's picture and description printed for mailing to all peace officers in the United States.

The reward for the negro's capture grew to $600 Monday when Governor Cooper offered $500 on behalf of the state. Lauderdale County officials previously had offered $100. JAN 27 1942

Deputy Gaines was shot when he went to the negro's home to arrest him on a charge of stealing chickens.

Daily World
Atlanta, Georgia

Man Shot As Prowler By Special Railroad Agent

FEB 3 - 1942

MEMPHIS, Tenn.—(SNS)—Cleve Williams, 36, is in a critical condition in the prison ward of John Gaston Hospital, after being shot in the left side and right leg by a special agent for the Illinois Central Railroad.

The officer, Arthur B. Walton said that he shot Williams in self-defense after Williams advanced on him with a knife. He said he caught Williams stealing copper signal wire from the railroad yards. FEB 3 - 1942

Special agents were making a search of the yards at 5:40 last night for thieves stealing signal wire. They came upon Williams, who had climbed a signal pole.

Police officers reported that their investigation of the shooting revealed that Walton shot in self-defense as the alleged thief was advancing on him with the open knife. FEB 3 - 1942

They stated that the special agent told Williams to halt and drop his knife. He fired when Williams kept advancing. The man fell with a bullet through his side and got up and went towards Walton again, according to the investigation report. Walton shot Williams in the leg when he kept coming toward him.

Another witness to the shooting, Special Agent Charles Harkins who was standing about 200 feet away from Walton, said that Williams was running towards Walton when the officer fired.

The knife that Williams had was a heavy bone-handled weapon with a blade about five inches long, it was reported by police. They said a pair of pliers or wire clippers was found near the spot where Wililams fell. FEB 3 - 1942

Special Agent Walton was docketed following the shooting on a charge of assault to murder.

Clarksville, Tenn., Leaf-Chronicle
March 24, 1942

Too Many Slayings

There are far too many murders being committed among the colored race of this community. Over the weekend another Negro man was fatally shot. Only a short while ago another was killed as a climax of an argument, with the accused slayer pleading self defense. He is now out on bond.

The number of homicides has become appallingly high and should be stopped. Too many colored people believe they can kill members of their own race and escape with a minimum chaingang sentence, or go scott free.

Human life is too cheap and no one, white or colored, is justified in taking life except under unusual conditions that rarely occur.. Members of the Negro race must be given protection from those of their own color who are too quick to pull a trigger or swing a knife. The law has been violated to the same degree, whether the homicide victim is a Negro or a white man. The sooner a certain element of the colored race discovers this, the sooner their more law abiding fellows will be protected.

Commercial Appeal
Memphis, Tennessee

ASHCRAFT AND WARE TRIAL IS POSTPONED

Absence Of State Witness Causes Indefinite Delay

Trial of E. E. Ashcraft and John Ware on first degree murder charges, scheduled to begin yesterday in First Criminal Court, was postponed indefinitely by Judge Pleasants at the request of Atty. Gen. Will Gerber.

Attorney General Gerber asked for the postponement on grounds that Dr. R. H. Rigdon, pathologist, and an important state's witness, is out of town and is not scheduled to return until July 1.

Since Criminal Courts close early in July for the Summer months, the case probably will not be set for trial until next Fall. Dr. Rigdon is a material witness for proving the corpus delicti, Attorney General Gerber told the court.

The postponement was agreed to by Sam Rhem Jr., attorney for Ashcraft, and William A. McTighe Jr., attorney of John Ware, negro.

Both Ashcraft and Ware are in jail. Bond has been set for each at $15,000. Mr. Rhem said he hopes to post bond for Ashcraft within the next few days.

Ashcraft and negro are accused of the murder of Ashcraft's wife, Mrs. Ida Zelma Ashcraft, whose body was found in a slough near the new Raleigh bridge in June, 1941.

They were sentenced to 50 years each in a trial last Fall, but the Tennessee Supreme Court remanded the case back for a new trial on the grounds that late Judge Phil Wallace failed to sign a bill of exceptions before he died.

Houston Negro Dies in the Chair

JAN 28 1942

Houston Post

HUNTSVILLE, Jan. 28—(Wednesday)—(AP)—Nehemiah Glover, 28-year-old Houston negro, was electrocuted shortly after midnight for the murder of Ralph Lee of Houston a year ago.

Houston, Tex.

Glover was placed in the electric chair at 12:01 a. m. and was pronounced dead at 12:08.

Glover was charged with some 30 criminal assault and robbery cases in Houston.

JAN 28 1942

He entered Lee's home at night and shot him in the presence of Mrs. Lee and their two sons.

Prison officials said he had awaited his execution calmly. Just before he was strapped in the chair he shook hands with a few witnesses to the execution and said "goodby" to the priest.

Cause of Child's Death Is Debated At Angleton Trial

Houston Post

Houston, Tex.

MAR 11 1942

ANGLETON, March 10.—(Sp)—Whether a 13-year-old negro girl died from fright or from a bullet wound was the chief bone of contention in the murder trial of C. V. Barnes here Tuesday.

MAR 11 1942

Barnes is charged with fatally wounding the child, Dorothy Godley, with a .22 caliber rifle last Nov. 9, on the J. A. Fite farm near Rosharon.

Officers testified the child was bleeding from the nose and a bullet was found lying near her head. The state contended the bullet entered the child's nostril and was coughed out. The defense argued the child's death was induced by fright.

No bullet wound was found on the child, physicians testified.

Barnes testified his rifle went off accidentally while he was questioning a party of negroes about gathering pecans on the Fite farm.

Arguments will begin Wednesday morning before District Judge M. S. Munson.

MAR 11 1942

Negro Labor News

Houston, Texas

SLAYER OF GIRL GETS 10 YEARS FOR 'ASSAULT WITH INTENT TO MURDER'

MAR 14 1942

MAR 14 1942

BULLETIN

ANGLETON, Texas — After four and a half hours deliberation, here, Wednesday, a Missouri County jury found C. V. Barnes, white farm operator, guilty of assault with intent to murder in the case of Dorothy Goddard, and sentenced him to 10 years.

MAR 14 1942

Barnes' attorney remarked after the trial that he would ask for a new trial for his client.

ANGLETON, Texas—The case of little 13-year-old Dorothy Goddard, allegedly slain with a 22-caliber rifle last November 9, while attempting to run after she had overheard an argument between her mother, Mrs T. Goodard and C. V. Barnes, white farmer, who operates the J. A. Fite farm near Rosharon, started Tuesday, held before District Judge M. S. Munson.

MAR 14 1942

Arugments were heard regarding contentions raised by defense attorneys that Dorothy died of fright instead of gunshot wounds.

As we go to press, news arrives that police stated that the girl was suffering from loss of blood and that a bullet was found lying near her head on their arrival.

Testimony in Judge Munson's court revealed that the child was bleeding from the nose when officers arrived at the scene of the alleged crime. Prosecution of the case by Missouri County prosecutors is centered on the evidence that the shot entered Dorothy Goodard's nostril and was coughed out. The coroner's report does not identify contributing causes of death and the original police transcript simply states cause of death.

Black Dispatch

Oklahoma City, Okla.

TEXAS WHITE MAN, WHO LOVED BLACK WOMAN, IS HELD IN JAIL ON MURDER AND ARSON CHARGE

APR 18 1942

Slips Strychnine Into Cold Drink While Discussing Business With Hubby

APR 18 1942

CHARRED BODY LATER DISCOVERED

ATHENS, Texas.—(ANP)—The murder of Paten Bradley, 55-year-old Athenian, by Tommy Hobbs, 72-year-old white farmer, here on Easter eve, brought to light the love of this man for Bradley's wife, Dora, 38. Bradley was given a dose of strychnine in a glass of water, and then burned to death in a large barn. Both Hobbs and Dora Bradley are being held in the county jail, pending further proceedings.

The circumstances revolving around the affair were said to have their beginning when Mrs. Bradley was 16 years of age. Hobbs, who formerly was a big farm owner at Marvin Mills, a little settlement about seven miles from here, said he had been in love with her for the past 22 years. It seems that a relationship and open association had existed between them. Mrs. Bradley was formerly a Mrs. Watson.

On the evening of the poisoning, Hobbs inveigled Bradley into his car supposedly on some business about some land and induced him to go for a drive with him to a filling station to have a cold drink before resuming their business conference.

APR 18 1942

At the filling station, Hobbs put some strychnine into the drink, which immediately took effect upon the victim. Hobbs then drove off with Bradley, who was growing sicker. Bradley sought to have Hobbs stop the car and let him consult a doctor, but Hobbs would not do so. He drove the dead man through Palestine and other neighboring towns before returning to Martin Mills where he placed the body in a large barn and proceeded to burn it up.

Bradley's disappearance caused an inquiry and search to be made. His charred body was found in the barn, along with his personal knife and watch. Hobbs was immediatelp arrested by Sheriff Jess Sweeten and a confession obtained to the crime. The remains were placed in the hands of Tucker and Sons Undertaking Company and the head sent to Austin for chemical analysis.

APR 18 1942

The entire citizenry of Athens was up in arms over the incident and an outbreak of hostilities between races was threatened. Rumor has it that Hobbs has requested police authorities to do what they will of him, but not to harm his Negro sweetheart.

Woman Is Informer Involved Houston, Tex. As Cause

SEP 19 1942

Death Statement Charges Frame-up; Army Investigates

SEP 19 1942

By Staff Correspondent

ROSENBERG, Texas—The cold-blooded slaying of Sergeant Hozie L. Bailey who was home on furlough from Camp Claiborne, Louisiana, by D. C. Zunker, white railroad employee, Labor Day, because Zunker claimed he resented the juke box music coming from a Negro night spot, took a different turn this week when an investigation was made in Rosenberg of the case. It was being said that the alleged reason for the slaying of Sergeant Bailey was not the real reason.

SEP 19 1942

Mrs. Lena Roan, mother of Sergeant Bailey, was interviewed Monday and it was learned that he had not been buried yet because permission from the Army authorities of this area had not been obtained. The body is being held at the Bradford and Pruitt Funeral Home in Houston.

Mrs. Roan said that she went to the Fort Bend hospital as soon as she heard of the shooting from Willie "Steamboat" Clemmons. On arriving at the hospital, she was taken immediately to see her son. The doctor informed her that unless some of the Negroes of Rosenberg gave a blood transfusion immediately, Sergeant Bailey would die because of the loss of blood. Mrs. Bailey says that she went to his bed and felt her son's feet and they were already cold and from that she knew that he did not have much longer to live.

Dying Words to Mother

"Mama, I am hurt. I can see diamonds all around me, Mama, this whole thing was a frame-up. I was not bothering anyone and was not fighting. Get me a pencil and paper so my men at Camp Claiborne can take care of this for me. Mama, I'l be gone soon."

SEP 19 1942

Sergeant Bailey's sister, Mrs. Pearlie Hubbard, then secured a pencil and paper and wrote down her brother's dying words. It is reported that a white nurse who was in the room at the time tried to persuade Mrs. Hubbard not to write down what Sergeant Bailey had to say, "because," in her own words, "he does not know what he's talking about and there is no need of writing it down."

"Pearlie, THEY got me and it was a frame-up. I want you to sign this paper for me, or give me the pencil and I will sign it. (He reached for the pencil, but was too weak to hold it.) I want you to have my watch and chain. (His sister and mother were unable to locate the watch and chain.) Lord, have mercy on me. Soldiers, I need your help. If I could only get back to Alexandria." His final words were, "I'll be gone soon."

SEP 19 1942

Mrs. Roan said that the night nurse at the hospital told her she would have to pay $50.00 for hospital fees. Mrs Roan told her that she didn't have $50.00 and had no way of getting it. She then said that she would have to pay $10.00 before Mrs. Roan could move her son's body. Mrs. Roan told her that she didn't have $10.00 either.

The nurse then insisted that she give her son's body to some undertaker in that county. This, Mrs. Roan refused to do. The nurse then kept Sergeant Bailey's purse containing $2.00 which had been given to him by a former employer there in Rosenberg. Mrs. Roan said that the nurse said she was going to keep the $2.00 because that much medicine was used. The purse was returned to Mrs. Roan two days later.

SEP 19 1942

Betrayed by Own Race

Homer Kane, who was in the tavern with Sergeant Bailey the night he was killed gave this statement:

"Will Lucky, Corella Phillips, Hozie Bailey and I were sitting at a table playing cards that night when Willie "Steamboat" Clemmons said to Hozie: "come outside here a minute, Hozie." Hozie said, "wait until I finish this game and I'll be out."

Kane said that Clemmons then said, "hurry up and come on out, we have a job to do." After completing the card game, Hozie said to the others, "I'm not doing anything here, I guess I'll go see what "Steamboat" wants and then go on to a date that I have later."

When Sergeant Bailey got on the front porch of the tavern, according to this witness, the white man (D. C. Zunker) was standing there with a gun in his hand. When Hozie saw the gun, he grabbed the white man's hand. Then "Steamboat" Clemmons and Votia (Snowball) Amys grabbed Hozie and held him off from them, and Clemmons was heard to say; "if you don't kill this son of a b——, he'll kill me." The white man then shot Hozie in the side while Votia and "Steamboat" held him."

Love Triangle Revealed

Mrs. Roan said that last year her son told her that a white man was going with a Negro woman with whom he had been friendly. He said that it was not right for the white men to go with the Negro women there as they had their own women to go with, and that they (Negfoes) did not bother their women.

Sergeant Bailey told his mother before going to the Army last May that the white man (D. C. Zunker) had threatened to kill him some day for taking the woman (Negro) away from him. In Sergeant Bailey's own words according to his mother Mrs. Roan, he said, "Zunker said that he would get even with me some day." It was said that affairs between white men and Negro women are prevalent in that section.

SEP 19 1942

Woman Denies Story

The woman referred to was interviewed and denied any knowledge of the story as circulated in Rosenberg regarding the love triangle. In her own words she said, "I don't even know the name of the white man in the signal tower. I did not go with him or Hozie either. I was not even in Rosenberg the night of the killing. I don't know a thing about the killing."

Positions Make Triangle

The scene of the crime was visited by the investigator. The juke box over which Sergeant Bailey was alleged to have been killed was over 35 feet from where he was sitting when the white man appeared.

The juke box is situated behind the tavern on an out door dance floor, and Sergeant Bailey was playing cards inside the tavern. The railroad signal tower is situated well over a city block from the tavern. The woman also lives about a block from the signal tower. She lives about a half block from the tavern. The positions of the three places in question make a triangle.

SEP

The slaying of Sergeant Bailey was carried in the white paper at Richmond, Texas, which is three miles from Rosenberg in the following article. The article was taken from THE TEXAS COASTER of September 10:

"Hozie L. Bailey, former Rosenberg Negro and a soldier in the United States Army, was fatally shot Monday night in a Rosenberg Negro cafe when a white man intervened into an unruly crowd of Negroes."

"The white man, D. C. Zunker, is a railroad employee, stationed at the signal tower on the railroad tracks in Rosenberg. The Negro cafe is located only about a half block from the tower and the loud playing of a "juke box" located there had interfered with Mr. Zunker performing his duties. His duties include the listening for train whistle signals, according to Deputy Sheriff Fred Zwahr, who investigated the case, and the loud noise coming from the cafe prevented him from performing his duties efficiently.

"At about 9:30 o'clock Monday night, according to Deputy Zwahr, the noise became worse than usual, and Mr. Zunker went to the cafe to quiet the crowd. When he entered, the Negro soldier cursed him and struck him in the face, and Mr. Zunker fired once into the Negro's body."

SEP 19 1942

"Bailey died at 4:00 a.m. Tuesday at the Fort Bend hospital. He was stationed at Camp Claiborne, Louisiana."

Interesting Angles

The people at Rosenberg are at a loss to explain why the "juke box" music worried Zunker more the night Sergeant Bailey was killed than any other night. The night spot had been in operation long before Sergeant Bailey went to the army in May, and was it just coincidental that Sergeant Bailey was in the tavern on this particular night?

According to eye witnesses, why would Zunker approach the tavern with gun drawn if he just wanted to quiet the Negroes? Also, why should he shoot Sergeant Bailey for the alleged "juke box" noise when he did not operate the tavern and was not near the "juke box?"

No Words

Everybody admitted that there were no words between Zunker and Sergeant Bailey before the shooting took place. People there believe that Zunker was tipped off that Sergeant Bailey was in town and came to the tavern under the pretense of quieting the Negroes for the sole purpose of committing murder.

SEP

And finally, the question which has all the people of the town baffled is why did two members of his own race, allegedly, Willie "Steamboat" Clemmons and Votia "Snowball" Amys, hold Sergeant Bailey and not give him a chance to fight for his life, a chance which was already an uneven one since Zunker had a gun in his possession? Sergeant Bailey in his dying statement used the word "they" in describing his attackers which suggests that Zunker had assistance in committing the crime. Votia "Snowball" Amy operates the tavern where the crime took place.

Army Investigates Killing

It was reported in Rosenberg that army intelligence officers for the eighth corps area from Fort Sam Houston, Texas had made a thorough investigation of the killing the latter part of last week.

Up to now, no arrests in the case have been made by the law enforcement officers of Fort Bend County, and they have not even gone to the trouble to make any sort of complete investigation. According to reports in Rosenberg, Zunker had been moved from the night shift to the day shift in the signal tower.

Walter Springs Slain At Texas Camp

The Colorado Statesman
Denver, Colo.

NEWS FLASH:

DEC 18

SGT. WALT SPRING DIES AT CAMP SWIFT, TEXAS

Information just released informs of the death of young Sergeant Walt V. Springs, son of Mr. Wm. Springs of 3042 Marion St., Denver, at Camp Swift, Texas.

It is reported that Springs died of a gunshot wound. No details were given.

DEC 13 1942

Young Springs is well known in Denver's young set and was popular. He was a product of the Denver schools and attended Regis College, where he distinguished himself in athletics.

He is survived by his father, Wm. Springs; and brothers, Cecil, Paul, Orville Winks, Laverne Mike), George, Paul, two sisters, Mrs. Emma Cooke, Mrs. Agatha Springs.

His remains are being shipped to the Jesse Douglass Mortuary, who will have charge of the funeral arrangements.

DEC 18 1942

33-1942
Nation
New York, N. Y.

ODELL WALLER IS A NEGRO SHARE-CROPPER of Pittsylvania County, Virginia, who shot his landlord after an argument over the division of crops. Although Waller pleaded that he had acted in self-defense, he was found guilty of first degree murder and sentenced to death. The evidence surrounding the shooting itself is confused and contradictory, and it is not impossible that the killing was premeditated. The fact is, however, that no recent case has served so well to highlight the evils of the poll-tax system. Charged with a crime for which he might have to die, Waller was denied the fundamental American right of trial by a jury of his peers. Since only voters are eligible for jury duty, and only those who pay the poll tax may vote, not one of the talesmen shared Waller's social and economic status. More than half of the men on the jury that was finally chosen were landlords who rented to tenants like Waller. Under the circumstances the Workers' Defense League decided that the Waller case was an excellent opportunity not only to see a man get a fair trial but also to test the constitutionality of the poll tax. Two years of litigation have brought the case to the Supreme Court, which is now for the second time being petitioned to review the evidence. Governor Darden of Virginia has humanely stayed Waller's execution until June 19 in order to give his lawyers more time. A review of the case by the court would be more than a simple act of justice to the condemned man; it would be a reassurance to the Negro population, which has been embittered by discrimination in the war effort and such episodes as the Sojourner Truth riots, that the country which asks them to fight is trying to give them a fairer deal.

New Republic
New York, N. Y.

The Waller Case

IN THE STATE PENITENTIARY at Richmond, Virginia, Odell Waller, a twenty-three-year-old Negro sharecropper, awaits execution June 19 for killing his white landlord. The latter, Oscar Davis, held the land himself as a tenant farmer. The two had argued over ownership of fifty sacks of wheat, which Waller claimed as his share, and Waller later returned to the farm with a pistol. The defense maintains that Davis refused to give up the wheat and, in the heat of argument, had reached into a pocket where he "habitually" kept a gun. Waller fired a number of times and Davis fell dying, shot through the arm, the side of the head, and twice in the back. A Negro youth—who lived with the Davis family—testified that Davis had been unarmed and that his back had been turned. Waller was then convicted by a jury and sentenced to death.

But the story is not nearly so simple as this resumé. Some time after the shooting, when the case was being fought in the courts, Davis' sons brought the fifty sacks of wheat to Waller's wife, which implied that the sharecropper's claim had been just. The Workers' Defense League undertook to help Waller, fought the case to the Supreme Court and is still fighting it. Defense was based on a claim that Waller had not been given his constitutional right to trial by a jury of his peers, since all the jurymen had been selected from a list of citizens who had paid their poll tax in recent years. This excluded about 80 percent of the citizens of the county, and, almost without exception, the poor-white and Negro sharecroppers. Anyone who knows the workings of the poll tax also knows that Waller did not get a trial by a jury which was capable of weighing the evidence without prejudice. The Virginia supreme court held that the constitutional plea could not upset the verdict because Waller's attorney had not offered, before the trial, proof that Waller's economic peers were being systematically excluded as a result of the poll-tax qualification. Waller's defense appealed to the United States Supreme Court. Last month the Court denied the petition without opinion.

A brief, signed by many individuals and organizations as *amici curiae*, has petitioned the Court for a rehearing. Whatever the Court's decision in this instance, failure to explain it with an opinion will be a grave blunder, for this case has gone too far for silence. Much has been said and written about Negro morale and the war; but in the long run, it is not words which make or destroy morale, but the results of cases like these. Negro organizations throughout the country are watching this case and they want to know the Supreme Court's opinion on the question of poll tax and jury service. Southern liberal writers like Virginius Dabney of Richmond are disturbed that the Workers' Defense League should exploit the poll-tax angle in a case in which the evidence makes it entirely possible that the killing was premeditated murder. But beyond this question of guilt or innocence, there is one irrefutable fact: an American is awaiting execution who *did not* get a trial by a jury of his peers. Whatever the court's decision, white and black Americans this time want to hear the reasons for it.

New York Age
New York, N. Y.

ODELL WALLER MUST NOT DIE!

CONDEMNED by the Circuit Court of Appeals of Pittsylvania County, Va., his appeal for a trial by a jury of his peers rejected by the Virginia Supreme Court and the United States Supreme Court, Odell Waller, Negro sharecropper, is facing execution on June 19.

Tried by a jury of white men from which were excluded all persons unable to pay Virginia's undemocratic poll tax, Odell Waller claimed self-defense in the killing of his farmer landlord during an argument over crop shares in 1940. His case was taken to the United States Supreme Court by the Workers Defense League, which presented affidavits proving that over 80 percent of the population of Pittsylvania County, Va., were unable to pay the poll tax and were thereby barred from both grand and petit jury lists in the county. Besides the poll tax issue and the fact that Waller was not tried by a jury of his peers, it was pointed out that the crime was really manslaughter and not first degree murder.

In rejecting Waller's appeal for review, without opinion, the United States Supreme Court leaves it in doubt on which of two grounds it so refused. It seems incredible that the highest court in the land would hold that Waller or anyone else can be legally tried by a jury from which his economic peers have been deliberately excluded, and even more incerdible that the Court would directly hold that Waller must die solely because formal proof was not made in the Trial Court of the undenied fact that there was such deliberate exclusion.

Governor Colgate W. Darden Jr., of Virginia has granted Waller a 31-day stay of execution to June 19. During this time the Workers Defense League is presenting a final petition for re-hearing to the United States Supreme Court. Supporting the Workers Defense League in this effort are such prominent citizens as: Alfred M. Bingham, Paul Kellogg, Frank Kingdom, Freda Kirchway A. J. Muste, A. Philip Randolph J. R. Butler, Mary White Ovington. John Dewey, George E. Haynes, and Walter White.

There is still time to save Odell Waller. Send your contribution today to George S. Counts, treasurer, Workers Defense League, 112 East 19th street, New York City.

Danville, Va., Register
May 5, 1942

VIRGINIA JUSTICE UPHELD

The decision of the United States Supreme Court in refusing to review the case of ODELL WALLER should convince the public generally that the Negro share-cropper has been given a fair and impartial trial and the the verdict of death was based up admissable evidence. Even though the court limits its ruling to the necessities of the action before it, failure of the defendant to base his request for a review upon anything more substantial than the fantastic reasoning that he was an object of prejudice because members of the grand and petit juries in his case had paid their poll taxes, left the court no grounds upon which to justify a review.

Virginia justice has been given the stamp of approval by the highest court in the land. Such approval is doubly welcome in the WALLER case because of the nationwide publicity given the trial and the subsequent attempts to "beat the rap" by an organization known as the Workers Defense League. The facts in the case have been grossly misrepresented to make the Negro a victim of Southern white prejudice and a form of white greed more provocative than the inflammatory tale of Mrs. HARRIET BEECHER STOWE'S, which hastened the War Between The States.

What so many people aroused by the SARAH CLEGHORN letter and other Workers Defense League propaganda failed to realize is that if the facts alleged had been true, the white citizenry of Pittsylvania County would have had OSCAR DAVIS before Justice HUBERT BENNETT at Chatham. He also would have been investigated by the County Agent and the Agricultural Advisory Board for alleged violations of Crop Control measures. These Pittsylvanians are quick to resent flagrant abuses of any kind and especially greed with hardworking, law-abiding Negroes as the victims. They will not stand for it. They would not have stood by had OSCAR DAVIS dealt so unfairly with ODELL WALLER as the Cleghorn letter falsely stated.

The outcome of the legal appeals was forecast by the simple but powerful statement of fact made by Judge J. TURNER CLEMENT in reply to editorial criticism of the WALLER case by the *New York Herald Tribune*. Anyone reading Judge CLEMENT'S statement no longer could doubt that every legal safeguard had been extended ODELL WALLER by the court in its effort to make sure the Negro youth obtained a fair trial and a just verdict based upon the evidence presented at the trial.

Had the evidence been otherwise, those who know the integrity of the court and the jurors in the WALLER trial, are certain the verdict would have been otherwise. The testimony showed the 23-year-old Negro had committed an act of premeditated murder. The punishment was fixed to fit that crime.

New York Times
New York, N. Y.

HARLEM WILL PRAY TO SAVE A SLAYER

Churches Join Movement for New Trial for Odell Waller

MAY 26 1942

While the Supreme Court of the United States considers an appeal for a re-hearing of the case of Odell Waller, Negro sharecropper, sentenced to die on June 19 for the shooting of his white landlord, Negro churches in Harlem will join in prayer that the court be "divinely guided and establish democracy for poor folks."

Acting on the request of Waller's pastor, the Rev. Robert Gilbert of the Fairview Baptist Church of Gretna, Va., yesterday, the Baptist Ministerial Alliance and the Interdenominational Ministers Alliance voted to appoint next Sunday, as a day of prayer when Harlem's Negro congregations will join in praying that the convicted sharecropper be granted a new trial by a jury of his peers.

The petition filed with the Supreme Court by Waller's counsel, John F. Finnerty, contends that Waller was deprived of his constitutional rights by reason of the fact that only white poll taxpayers served on the jury that convicted him, non-pool taxpayers being excluded from jury service in Pittsylvania County, Va., where Waller was convicted.

A number of organizations and prominent citizens, moved by what they regard as the constitutional issue involved, have signed an amicus curiae brief which has been filed with the Supreme Court by Arthur Garfield Hays and Thurgood Marshall. Of counsel are Joseph A. Padway, chief counsel for the American Federation of Labor, and Lee Pressman, general counsel for the Congress of Industrial Organizations.

Daily World
Atlanta, Georgia

Waller Appeal Again Ignored By Big Court

JUN 7 1942

White And Colored Folk Are Aroused

NEW YORK—(ANP)—The U. S. Supreme court for the second time this month declined without opinion to review the case of Odell Waller, colored Virginia sharecropper, doomed by a jury of poll taxpayers to die on June 19 for shooting his white farmer landlord.

On that same day the Court reversed a verdict of rape in the case of Henry Allen Hill, a Texas Negro, on the ground that Negroes had been excluded from the grand jury which indicted him. In the opinion on this case, Chief Justice Stone declared:

"Equal protection of the laws is something more than an abstract right. It is a command which the state must respect, the benefit of which every person may demand."

EQUAL FORUM JUN 7 1942

Critics of the court point out that this opinion might have been applied with equal force to the Waller case. If the states "must respect" the right to equal protection of the laws, they contend, then the court must also respect it, since the states and the court are equally bound by the constitution. They regard the simultaneous recognition of Hill's right to equal protection and disregard of Waller's as proof that the court, when appealed to from the state's unequal administration of the law, considers this right not a "command," but purely a matter of judicial discretion. And they enphatically stress the danger involved in thus subjecting the constitutional rights of the individual to the caprice of the court.

The equal protection for which Waller appealed was protection from discrimination against citizens too poor to qualify for the right of citizenship. He appealed from the assumption that a jury of white poll taxpayers, ten of whom belonged to the same class of employing farmers as the man he shot, were peers of a poor colored sharecropper, disfranchised by the Virginia poll tax. In other words, he demanded his constitutional right to trial by a jury of his peers.

CRITICIZED JUN 7 1942

The court's refusal to face this issue has aroused indignation among both white and colored citizens. As soon as its action became known the Workers Defense league and a group of organizations and individuals who had signed or endorsed the amici curiae ("friends of the court") brief, supporting Waller's plea released a public statement sharply criticizing the court.

"This case," said the statement, "not only involves justices for Waller; it involves the whole southern practice of creating a second class citizen by means of the poll tax. At this moment, when America is embattled to defend the 'four freedoms,' the supreme court has twice evaded this vital and inescapable issue. Twice it has, in effect, condemned Odell Waller to die in the dark. It is difficult to understand how the court can remain silent on an issue which effects millions of Americans, both white and colored."

The signers were the American Civil Liberties union, Brotherhood of Sleeping Car Porters, Baptist Ministerial alliance, March-on-Washington movement, NAACP, Union for Democratic Action, Buroe Bliven, Frank Crosswaith, John Dewey, Lester Granger, John Haynes Holmes and Elmore McKee.

The fact that the amicicuriae brief in Waller's case was signed, among others, by Joseph Padway, counsel for the American Federation of Labor, and Lee Pressman, counsel for the Congress of Industrial Organizations, indicates the growing concern of labor for the rights of Negroes.

The supreme court may not yet be through with this matter. Waller's counsel can still appeal to the federal district court of eastern Virginia for a writ of habeas corpus. If the appeal is rejected, he can apply to the circuit court, and if refused there, he can carry the matter once more to the supreme court. This will mean, of course, that a further stay of execution will have to be granted, either by Gov. Darden or by Chief Justice Harlan Stone, in whose circuit the appeal would be made. Such an appeal would repreesnt the last legal remedy available to Waler. If that shoud fail, his only hope of escaping death would lie in Gov. Darden's power to commute his sentence.

33-1942
Washington Post
Washington, D. C.

Odell Waller

John Dewey and other Americans who have taken up the case of Odell Waller, the Negro sharecropper who is under sentence in Virginia to die July 2 for the murder of his landlord, seem to think that their case is improved by trying to deny Waller's record. Mr. Dewey, in a letter to this paper last week, casts doubt on our statement that Waller "is a bad man with a bad record." But we went by the evidence. That evidence was summed up by the judge in Pittsylvania County, Judge Clement, who said, "The evidence in the case and his general reputation disclosed that he was a vicious, lawless, and dangerous Negro, with whom the officers had had considerable trouble, and that on one occasion he had attempted to shoot one of the officers." That seems to have been a fair conclusion about Waller. The condemned man had been convicted of reckless driving and transporting illegal whisky, of carrying a concealed weapon and of threatening an officer, of violating the State game laws, of transporting illegal whisky a second time, twice for driving an automobile after his license had been revoked.

The case for a commutation of the sentence which is now under consideration by the Virginia Governor rests upon two arguments. One is that the evidence does not justify the electric chair. That is to say, the murder was not premeditated. As to this, the evidence is not holeproof, but it is nearly so. There had been a difference of opinion on the wages in kind that Waller got from his landlord, who, incidentally, was a sharecropper himself. Two Negroes testified that on the day before the murder Waller had told him that he was going to get his wheat or kill Davis, the landlord. To one of the men he said that another man had gotten away with it—that is, had taken the law into his own hands. Waller went fully armed to the Davis home. Testimony was offered by an 18-year-old Negro boy that Davis gave no provocation; on the contrary, Davis told Waller that the wheat would be threshed the next day, and that he would then send Waller his share. Then he turned to go into the house for breakfast, whereupon Waller fired four shots into Davis, two of them into his back after he had fallen to the ground. Still, as Mr. Dewey says, that testimony was different in material respects at the Trial Justice Court previously.

That is why we raised the question whether willful murder had been proved. The other argument in favor of Waller revolves around the old question of the composition of the jury. Mr. Dewey is correct in questioning our statement that there had been no trial objection that the jury was not composed of representative citizens. The truth is that an objection was made; but that Waller's trial counsel failed to offer evidence of the facts as to the nonrepresentative character of the jury. Specifically nonpayers of poll tax were excluded, but no proof was given. And, since no proof was given, a stay of execution has again been denied by the Supreme Court. In all the circumstances it is to be hoped that Governor Darden, who must act before Thursday, will commute the death sentence on Waller, as has been petitioned by many notable Virginians. But no good will be accomplished by Mr. Dewey and his friends in going beyond the plain facts—in the manner of the Scottsboro case—to strengthen their own appeal.

Chicago Tribune
Chicago, Illinois

ODELL WALLER AND THE FOUR FREEDOMS.

The reprieve granted by Gov. Colgate Darden of Virginia to Odell Waller on the eve of his execution will, it is to be hoped, permit a review of the larger issues in his case.

Waller was a Negro share cropper working wheat land with Oscar Davis, a white farmer. Waller left his wife and mother on the Virginia farm, paying a cousin to save his part of the crop, and went to Maryland to take other work. While he was absent, Davis put the wife and mother off the land. When Waller returned to claim his share of the wheat, Davis attempted to withhold it. There was a quarrel and Waller shot Davis to death.

Waller was indicted by a jury drawn from the Virginia electorate, which is to say from the list of those who had paid their poll taxes. He was convicted by a poll tax trial jury and sentenced to death. The poll tax, in effect, excluded Negroes or other poor share croppers, white or colored, from participating in the processes of law by which the defendant was convicted. Did Waller receive a fair trial?

This is a constitutional question and it was twice taken to the United States Supreme court on the plea that he had been denied what in an anachronistic term is called trial by a jury of his peers. The court refused to review the case, apparently because Waller's young lawyer had not made a reviewable record, although the court gave no opinion whatsoever.

The Supreme court of the Hoover administration in 1932 had shown a tender judicial conscience in similar cases, notably that of the seven Negroes convicted at Scottsboro, Ala. This was the court that Mr. Roosevelt tried to pack because it was not liberal enough.

Now the Supreme court refuses to pass upon the question whether Odell Waller was condemned by poll tax law before he was heard. The four freedoms are getting nowhere if in the United States an untouchable cannot get a fair trial. Whatever Gov. Darden may do in the coming hearing to consider commutation of sentence will not clear up the fundamental question of whether the processes of law were fairly observed in the indictment and trial of Waller. That is a matter upon which a competent court must rule.

We'd better get the mote out of our own eye before seeking to carry the freedoms around the world. If an American born citizen can't vote and can't get justice because of limitations put upon his franchise, what message have we for the other parts of the world?

Share Cropper's Cause

On a September day in 1940, the large, second-floor courtroom in the 83-year-old courthouse at Chatham, Va., was jammed with spectators. On the witness chair, a heavy-set young Negro, 23-year-old Odell Waller, was telling his story.

He was born in Pittsylvania County, Va., was reared on a small farm, and saw the farm sold for creditors' claims two months after the death of his father in 1938. In January 1939, Waller had gone to work as a share cropper on the 150 acres of the white Oscar Davis, himself a tenant farmer at Gretna, Va., not far from Chatham. Under an oral agreement, Waller was to get one out of every four sacks of wheat he harvested, and three of every six bundles of tobacco.

But under the AAA crop-reduction program, Davis' allotments for wheat were reduced, and he passed the reduction along to the Negro share cropper. The latter complained he was unable to earn a living on the less than 2 acres left him. Then Waller went to Maryland on a "public work" job.

In his absence, his wife Mollie and his ageing foster mother Annie continued to work the small crop. On July 14, he turned to find his wife and mother had been evicted. The next morning—a Monday—he persuaded two other Negroes and his mother to accompany him in a borrowed truck to the Davis farm to get his share of the wheat crop. Fifty-two 2-bushel bags were at stake. In Waller's own words from the witness stand:

"Mr. Davis said I won't gonna get that damn wheat away from here . . . He used some dirty words . . . he usually carried a gun and run his hand into his pocket like he was trying to pull out something. I had my gun and out with it. I opened my pistol and commenced to shoot at him. I don't know how many times . . . Mr. Davis hollered and fell." (He died two days later in a hospital in Lynchburg, Va.) Waller fled but was captured in Ohio and extradited.

A state witness at the trial—18-year-old Henry Davis, Negro employe of the slain man, and the only eyewitness to the shooting—contradicted Waller's account. He said Oscar Davis was unarmed, and that the two "didn't have no cross words" before the shooting. He added Waller shot Oscar Davis as the latter started for his house for breakfast. Medical evidence showed Davis had been shot twice in the back, once in the side of the neck, and once in the arm.

Concluding the two-day trial, a jury of farmers and businessmen (all white) deliberated 52 minutes and brought in a verdict of guilty of murder in the first degree. Waller was sentenced to die in the electric chair at Richmond on Dec. 27, 1940.

But the Workers Defense League, the Communist party of Virginia, the American Association for the Advancement of Colored People, and the International Labor Defense all entered the case. Petitions for executive clemency came from thousands—mostly in Northern cities. Two Virginia newspapers, The Richmond Times-Dispatch and The Norfolk Virginian-Pilot, also added their pleas.

Meanwhile, a series of legal appeals carried the case to the United States Supreme Court, which twice refused to grant reviews. As the basic contention of their appeals, Waller's lawyers set forth that the conviction was unconstitutional, since only white poll-tax payers had served on the jury convicting Waller. Payment of a $1.50 poll tax is required for voting in Virginia. Because few Negroes can afford it, this nearly always excludes them from jury service, as panels are generally drawn from voting lists. Hence, Waller's lawyers contended, he had not had his constitutional right of trial by a jury of his peers.

But although the Supreme Court refused Waller a review, two Virginia governors granted him five reprieves. The latest—by Gov. Colgate W. Darden on June 18—forestalled execution set for the following day. Governor Darden postponed the execution until July 2, and granted the attorneys until June 29 to prepare a plea for commutation of sentence. He explained: "The condemned man is entitled to present to the executive his petition for clemency, and on this petition it is my desire that he be fully heard."

Washington Post
Washington, D. C.

Doomed Waller Gets Reprieve; Hearing Is Set

By the Associated Press.

Richmond, Va., June 18.—Odell Waller, young Virginia Negro sharecropper scheduled to die tomorrow for the murder of Oscar Davis, Virginia farmer, was granted a reprieve today by Governor Darden to permit time for a hearing on a plea for commutation of his sentence. The hearing was set for June 29 and the reprieve postponed the execution date to July 2.

The Governor's action followed exhaustion of the 25-year-old Negro's recourse to the courts and marked the fifth reprieve granted him since his conviction in Pittsylvania County, Va., Circuit Court in September, 1940.

"While it is the function of the courts to dispose of the legal questions in such cases as this," Governor Darden said, "the condemned man is nevertheless entitled to present to the executive his petition for clemency, and on this petition it is my desire that he be fully heard."

The reprieve was announced after the Governor had talked by telephone with John F. Finerty of New York, counsel for Waller and the Workers Defense League, and had conferred at length with Virginia Attorney Gen. Abram Staples.

Finnerty failed to obtain from United States Chief Justice Harlan F. Stone at Hot Springs last night a leave to appeal or a stay of execution.

Waller was convicted and sentenced to die for the slaying of Oscar Davis, a white man, in Pittsylvania County.

Governor Darden has received numerous letters and telegrams from persons scattered throughout the Nation urging that he interevene in the case of the Negro sharecropper, convicted a year and nine months ago of killing his landlord. Petitions have been presented to President Roosevelt asking a commission of inquiry, and Mrs. Roosevelt has written Governor Darden asking that he give consideration to appeals for clemency.

Waller was being cheated, or at least he felt that he was being cheated, out of his wheat crop. His aged mother and wife had been evicted from the plantation shack by Oscar Davis. We have every reason to believe that when Waller went to try to collect his wheat he was in great fear. The fact that after Waller's conviction, Oscar Davis' sons did bring 52 sacks of wheat to the mother and wife of Odell Waller shows that he had a share coming.

There is no competent testimony to show that Davis was first shot in the back. On the contrary, it is fair to presume from all the facts known in the case that Davis threatened Waller when he demanded his wheat, reached his hand in his pocket which Waller thought held a gun and Waller started shooting. The first shot or two may have spun Davis around or he may have turned to run and then there were two shots lodged in the lower part of his back. There were two bullets causing scalp wounds in the front of his head which would have been impossible to have been inflicted after the back wounds.

Specific evidence has been offered that the jury which tried Waller was selected from lists of qualified voters from which all nonpayers of poll taxes were systematically excluded. We made a complete study of the voting lists and the jury lists and established beyond doubt from the official court records and election lists that all members of the jury which tried Waller had paid their poll taxes for three years past and that nonpoll tax payers were excluded, which means in Pittsylvania County that 80 per cent of the population including all members of Odell Waller's economic group were ineligible for jury service. If this doesn't constitute discrimination, we don't know what does.

Gov. Darden has shown a generous and humane attitude toward this case and we are all grateful for his consideration.

FRANK McCALLISTER,
Secretary, Southern Workers Defense League.
Washington, June 20.

Washington Post
Washington, D. C.

Odell Waller

With regard to your editorial in today's paper, on the Waller case, may I be permitted to point out one or two misconceptions indicated in your statement.

Odell Waller had no previous trouble and was known in his neighborhood as a hard-working, respectable family man with little education or opportunity.

Washington Post
Washington, D. C.

Darden Visits Scene of Crime In Waller Case

By the Associated Press

Richmond, Va., June 23.—In an effort to obtain all the information possible bearing on the conviction and sentencing of Odell Waller, condemned Pittsylvania County Negro, Governor Darden visited the place where Waller shot and killed Oscar Davis, white farmer, and talked with witnesses in the case, he disclosed today.

Waler's fate now rests with the Governor and a hearing is to be held Monday, beginning at 9:30 a. m., on his counsel's plea for exercise of executive clemency. The case was carried through the State and Federal appellate courts to no avail.

The Governor's unheralded trip to Pittsylvania Monday was made for the purpose, he said, of getting first hand information that would be helpful in reaching his decision. He talked with the eyewitness to the shooting on July 15, 1940, when the Negro went to the Davis home in regard to division of a wheat crop, to the slain man's widow and to others connected with the case. Davis was a tenant farmer and Waller had been a subtenant, or sharecropper.

Governor Darden stayed Waller's execution from June 19 to July 2 in order to permit time for the commutation hearing, requested by John F. Finerty of New York, a representative of the Workers Defense League and counsel for the Negro. The reprieve was the third granted by Governor Darden and the fifth Waller had received since the original order of the trial court sentencing him to die December 21, 1940.

Washington Post
Washington, D. C.

Waller Waits Chair Today; Stay Sought

Final Hope Lies In Intervention By Roosevelt; New Reprieve Refused

By the Associated Press

After an extended conference with Justice Department officials, spokesmen for the Workers Defense League and other organizations last night announced they had urged that President Roosevelt appeal personally for a stay of execution for Odell Waller, 25-year-old Negro, scheduled to die in the electric chair in Richmond today.

A delegation representative said the group had urged Wendell Berge, Assistant Attorney General, and Victor Rotnem, chief of a civil rights section, to report to the President through the attorney general the feeling of the delegation that the Waller case "was a symbol of whether or not justice was to be given to the Negro people."

Waller is awaiting death in the electric chair this morning for slaying his white employer, Oscar Davis, a tenant farmer.

He was first convicted in September, 1940, and the verdict has been repeatedly challenged without success in State and Federal Appellate Courts.

Albert Hamilton, of the Workers Defense League, and Frank Reeves of the National Association for the Advancement of Colored People, agreed that the only means open to save Waller's life was for the President to ask Gov. Colgate W. Garden, jr., for a stay of execution.

"The one final step," they said, "would be for the President publicly to intervene. If the President fails to do this it means that Waller is unable to exercise his last legal hope."

After the conference at the Department of Justice, the delegation sought to obtain a hearing by Vice President Wallace.

Asked if their case was closed after the Justice Department conference, the group declared: "It won't be closed until Waller goes to the chair."

Darden Refuses Sixth Retrieve

Richmond, Va., July 1. (AP).—Gov. Colgate Darden today refused a sixth reprieve for Odell Waller, 25-year-old Negro sharecropper who is to die in Virginia's electric chair tomorrow for the slaying of Oscar Davis, a tenant farmer. The Governor refused last night to commute the sentence.

John F. Finerty of New York, counsel for the Negro and representative of the Workers Defense League, made the request by telegraph to Governor Darden who was attending a dedication of buildings at the Norfolk Navy Yard today.

Finerty said he needed time to apply to the United States Supreme Court for a writ of certiorari on "the refusal of the United States District Court and the United States Circuit Court of Appeals to grant him (Waller) a certificate of probable cause for an appeal from the dismissal of his petition for a writ of habeas corpus."

New York Times
New York, N. Y.

VIRGINIA ENDS A CHAPTER

Odell Waller, put to death yesterday morning in the Virginia State Penitentiary, is beyond all explanations or forgiveness. He took a man's life, his landlord's, and the State took his, a penniless Negro sharecropper. It will never again be of much importance to determine whether or not he intended to kill Oscar Davis, and whether or not Oscar Davis had cheated him.

What will remain to trouble conscientious citizens of Virginia is a poll tax system which disfranchises the poor and a system of land usage which wastes the national heritage and inflicts hardship on all involved in it. We hope that the Virginians who pleaded for Odell Waller and the conscientious Governor who granted five reprieves before refusing to grant a sixth reprieve or a commutation will find it possible to unite in trying to change those conditions.

Virginia Executes Sharecropper

Last Pleas Fail In Waller Case

New York World Telegram

By the Associated Press.

RICHMOND, Va., July 2.—Odell Waller, Negro sharecropper, was electrocuted at the Virginia State Penitentiary today for the murder of Oscar Davis, his white employer, on July 15, 1940.

Under the Virginia law details of executions are not made public, but prison officials said the 25-year-old Negro who had spent 630 days in death row was led from his cell and strapped in the chair at approximately 8:38 a. m. He was pronounced dead at approximately 8:45 a. m.

The state contended Waller shot and killed Davis without provocation, but the defense offered testimony at Waller's trial in an effort to show that before the shooting Davis had denied the Negro his share of a jointly farmed wheat crop.

Waller's death ended a battle of almost two years, which went through both state and federal appellate courts and ended with last-minute desperate appeals for stay of execution to President Roosevelt and Gov. Colgate W. Darden, Jr.

In Washington leaders of the Workers' Defense League said they sought in vain last night to obtain an audience with the President in behalf of Waller. A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, later issued a statement saying "the President and government of the United States have failed us."

33-1942
The Daily Worker
New York, N. Y.

Waller's Life at Stake in Hearing Tomorrow: Wire Gov. Darden

By Ben Davis, Jr.

The shame of Scottsboro catches up with our country at a moment of its direst peril and at a time when the national oppression of the Negro people becomes a fetter to our war effort and a danger to national unity.

If the disgrace of Scottsboro had been forever erased from America, if the five remaining boys—sacrifices on the pyre of lynch justice—had long been freed, if the criminal injustices symbolized by Scottsboro had been eradicated from our national life, perhaps today Odell Waller would not be in a death cell.

Waller is a 25-year-old Negro sharecropper now in a Virginia jail with a death sentence hanging over his head because, in the course of defending himself, the life of a tyrannical, gun-toting landlord was lost. By all sense of fair play and justice and of constitutional procedure Waller should be a free man. If the parties were reversed, he would be free. It was approximately a year ago that another landlord walked into a court room in Texas, pulled a knife, stabbed a Negro to death in open court without interference from the deputy sheriff, in a few minutes was scot free. The judge almost gave the lynch a medal.

VIRGINIA OBSERVES

But this time it is a Negro. Freedom from fear—one of the President's excellent war objectives—does not apply in Virginia. That state is reserved for the poll-tax—against the poor whites and the Negroes—and for Rep. Howard Smith, the political caricature out of the pre-Civil war days, who, between sips of mint-julep, would like nothing better than to bust labor and throw a monkey wrench into the war machinery.

The injustice of Waller's case has broken through to the conscience of America, despite all handicaps. The people say Waller must not die. The people speak not only out of the bitter experience of Scottsboro, but also out of the conviction that aid and comfort are given to our country's enemies in this war when we tolerate the continuation of those shameful "racial" persecutions which furnish the prototype for Hitler's brutalities and whole political philosophy. Persecution and discrimination against Negroes hamper the united effort of our nation to preserve its life by the defeat of Hitler. As never before, Americans want no expressions of Hitlerism at home.

REPRIEVED 5 TIMES

Five times Waller has been reprieved by two Virginia governors. The last time by Gov. Darden, who last Thursday, gave him a 13-day stay to hear arguments for a commutation of his sentence to life. That hearing is scheduled for tomorrow morning, Monday, June 29, and the reprieve expires just three days later—next Thursday, July 2. Unless labor, the Negro people, all patriotic fair-minded Americans make their voices heard to Gov. Darden and to President Roosevelt, Waller will be electrocuted.

Like the Scottsboro case, the Waller case goes to the roots of the fundamental rights of the Negro people as an oppressed people. The Waller case also involves the basic constitutional rights of all Americans—for the preservation of which we are engaged in a mighty and just struggle against Hitler.

Negroes were systematically excluded from the juries which tried Waller, in violation of the Constitution of the United States. This remains true after all the stupid rigamarole of the trial judge is recited to prove that the exclusion of Negroes was not through any discriminatory law against Negroes, but only on the basis of "respectability," and that the poll tax enters into the matter, not directly but only as a matter of "paying debts." The jury commissioners in selecting the jurors chose those citizens who had paid their poll tax as typical of the "good and respectable citizens" from whom juries must be chosen.

POLL TAX JUSTICE

To use the poll tax law—itself unconstitutional and a relic of the slave market—as a yardstick for the right to vote, and then the right to vote as the measure of the right to jury service is in reality to abolish both freedom of the ballot and due process in criminal courts. Incidentally, as has been pointed out consistently by Communists and other progressive forces, once a restriction is set up against Negroes, it is extended against the constitutional rights of white citizens.

The scandalous conviction of Odell Waller has been confirmed in the Virginia higher courts and the Supreme Court of the United States twice availed itself of the tiniest legal loophole for avoiding hearing the case. The most immediate method through which the people can work to save Waller's life, and restore the possibility of justice which would free him, is through an avalanche of wires to Gov. Darden, at Richmond, Virginia.

The brave and honest young Negro sharecropper is not responsible for the fact that a certain so-called "Workers Defense League" has managed to control of the case. The young Waller must be saved in spite of the presence in the picture of enemies of the nation's war effort, who are among those who have latched on to this case.

TROTZKYITE HYPOCRISY

We, the Negro people, have seen the true character of the Trotzkyites, the Norman Thomases, and others who dominate the so-called "defense committee," in their whole attitude toward the Negro people and especially as shown in respect to the Scottsboro case. Their activity now, as then, will be to the detriment of the Negro people. The justifiable grievances of the Negro people are just as much manna for their sinister exploitation. Repudiated and discredited as wreckers in the labor movement, the Trotzkyite connection with this case has resulted in the botching of the case and has served as an obstacle to the mobilization of the labor movement and people generally. But despite this obstacle—which poses as a "defense" of Waller—thousands of sincere and patriotic Americans, black and white, and in and out of the labor movement, have urged the saving of the life and liberty of this splendid young Negro sharecropper.

Our national government must give immediate effect to the demands of the Negro people for full equality not only in the war effort, but in courts of law—whether State or federal—and in all aspects of civilian life. We have not forgotten the Fourteenth Amendment of our Constitution, which came out of the crucible of civil war, and which has been flouted for seventy years. It must be resurrected. Waller must be freed.

Every fair-minded American who believes in victory over Hitler and in national unity must raise his voice. Wire Gov. Darden demanding commutation of Waller's sentence and his freedom. President Roosevelt knows that such cases as the legal murder or the imprisonment of Waller, like the continued unjust imprisonment of five of the Scottsboro boys are not merely incidental injuries to the Negro people. They are injuries to the whole country and impediments to its war for survival. Such cases are not State cases alone. They concern the Constitution and the Constitution must be invoked. The full citizenship of the Negro today is essential to the war against Hitler.

The Tragic Case Of Odell Waller

The tragic story of ODELL WALLER has ended.

This 25-year-old Negro sharecropper has died in the electric chair, a victim of most of the abuses to which the South still clings. His trial by a jury of poll-tax payers was technically unfair, since he himself and his fellows of similar status cannot afford to pay poll tax and therefore are ineligible to vote or to serve on juries.

But the important thing in the story of ODELL WALLER, which for two years has been a rallying point for critics of Southern injustices towards the Negro, is that beyond any reasonable shadow of a doubt, this young man was guilty of the murder of his employer. No witnesses to the shooting differ on that point, no friends of the condemned man have attempted to deny it. The extenuating circumstances cited by them are all beside the central point, which is that murder was done.

There is on foot a determined attempt to make the case of ODELL WALLER a rallying point for the indictment of all the old injustices and abuses of which the South has been guilty.

In all earnestness, as a critic of these abuses, we urge ODELL WALLER's proponents not to make of his case an example which in justice it should not be. The accepted penalty for murder is execution. The case of ODELL WALLER has been examined with care by two Federal Courts and by the Governor of Virginia, who is an honest man. A review by the Supreme Court of the United States was refused it. If the justice received by ODELL WALLER was harshly untempered by mercy, let us at least admit that it was justice. It is impossible to ignore the central fact of murder.

Terrible forces are being loosed in the South, some of them by criminally irresponsible men, some of them by the force of uncontrollable circumstance. Those who love the South and those who criticise it, those who would see justice with mercy given to every Southerner, white and black, who must seek justice from his fellows, take on a grave responsibility whenever they let generous emotion tend to obscure cold fact.

The smoldering fires of old racial antagonisms can be terrible in full blaze. There are times when, in the name of justice for the oppressed, the blaze must be risked. But, and we say this in the full consciousness that we shall offend many liberal men and women whose opinions we have a high regard, in our considered judgment the case of ODELL WALLER does not justify that risk.

Nation
New York, N. Y.

GOVERNOR DARDEN OF VIRGINIA IS TO BE congratulated for his fair-mindedness in granting a fifth reprieve to Odell Waller so that the Negro share-cropper might receive a hearing on his plea for clemency. It would be a travesty of justice if Waller were executed because of a technicality. The Supreme Court has held that it is unable to review the case because Waller's attorney failed to take the proper steps to prove his contention that the jury was chosen from a panel from which non-payers of the Virginia poll tax had been systematically excluded. Meanwhile a petition has been sent to President Roosevelt asking him to intervene by appointing a commission of inquiry, as President Wilson did in the cases of Tom Mooney and Joe Hill. We urge our readers to reinforce this petition by sending telegrams or letters to the President; for if Governor Darden does not commute Waller's death sentence, Presidential intervention offers the only hope of delaying execution and opening the way for a reconsideration of the basic issues of race and class raised by the Waller case.

Negro Is Executed After 2-Year Fight

The Courier Journal
Louisville, Ky.

Sharecropper Killed Employer

Richmond, Va., July 2 (AP)—Without comment and apparently resigned to his fate, Odell Waller, 25-year-old Negro sharecropper whose case ran the gamut of appeals to the courts in an exhaustive, two-year legal fight, went to his death in the electric chair at the Virginia penitentiary today for the murder of Oscar Davis, his white employer.

Representatives of the Workers' Defense League, one of the champions of the Negro's cause, said they sought in vain for a hearing before President Roosevelt the eve of the execution after Gov. Colgate W. Darden, Jr., had denied pleas for commutation of the sentence and for a sixth reprieve.

Spent 630 Days In Cell.

Waller was called from his death row cell, where he had spent 630 days while his attorneys fought for his life before the state and United States supreme courts, at 7:35 a.m. (C.W.T.). Ten minutes later Dr. C. C. Chewning, Jr., prison physician, pronounced him dead.

Waller shot and fatally wounded Davis July 15, 1940, at Davis' Southside Virginia home. The shooting followed his employer's refusal to surrender his share of a jointly tended wheat crop, but state witnesses testified at the trial Davis had promised to send Waller his wheat and had turned toward his house in response to a call for breakfast when the Negro fired four shots, two of which struck Davis in the back.

Pamphlets Circulated.

The Workers' Defense League and other groups intervening in his behalf circulated pamphlets throughout the nation on the case and appealed for defense funds. Many prominent individuals, including Mrs. Roosevelt, wrote or telegraphed the governor prior to his final action. The Workers' Defense League said they learned the President also communicated privately with Darden in Waller's behalf.

Defense counsel contended that Waller's trial before a jury of poll taxpayers, when he was in the class that did not pay such taxes, denied him equal protection of the laws, but Governor Darden said he did not believe payment of a tax of $1.50 a year "had the effect of dividing the people of the commonwealth into economic classes."

Peoples Voice
New York, N. Y.

Odell Waller Execution Stayed Following Nation-wide Protest

Following protests from every section of the nation against the death sentence of Odell Waller, Virginia sharecropper who killed his white landlord, Governor Colgate Darden jr of the "Virgin Queen" state granted a reprieve until July 9 to allow time for hearing on a petition for commutation of his sentence. The "last mile" was set June 18 and the hearing is scheduled for June 29. A petition to the governor followed closely upon the refusal of Chief Justice Stone of the USSupreme Court to allow Waller to appeal to the USCircuit Court of Appeals on his denial of a stay to permit Waller's counsel to apply to the full bench of the Supreme Court for a writ of certiorari. The Chief Justice based his action on the failure of Waller's trial counsel to adduce specific proof of his contention that non-payers of the Virginia poll tax has been deliberately excluded from the jury which convicted Waller.

The Richmond *Times Dispatch* argued that the ideal solution would be a reversal of the conviction, which would send the facts back for a completely new trial. The conservative NY *Herald-Tribune* editorially questioned "the standards of government and of justice in the state of Virginia" and "only after such reflection upon all the factors in issue . . . moved to urge action in Waller's behalf."

"The American Negro," asserted the *Tribune*, "neither asks nor expects more than justice in any case. But in an hour when national unity is a first concern of everyone, it seems fitting to urge that no possible chance of injustice be done."

Norfolk's *Virginia-Pilot* bluntly said: "the element of premeditation was colored by unlettered sharecropper's brooding over economic injustice."

Several hundred prominent Americans including college presidents, labor and church leaders, writers and educators, both Negro and white, urged in a petition sent to the White House that the President appoint a commission of inquiry to investigate the Waller case. Similar action by President Wilson in the cases of Tom Mooney and Joe Hill was cited as precedent.

The petition closed with the declaration that "it will be a national calamity if Waller goes to his death, when millions of his fellow citizens are convinced that he was not tried by a jury of his peers. Your intervention will help restore the badly shaken faith of our Negro minority in American democracy."

New York Times
New York, N. Y.

GOVERNOR TO DECIDE WALLER CASE TODAY

Darden Hears Pleas to Commute Negro's Death Sentence

RICHMOND, Va., June 29 (AP)—Governor Colgate W. Darden Jr. promised tonight a decision tomorrow on the plea of counsel for Odell Waller, 25-year-old Negro, for commutation of his death sentence imposed in Pittsylvania County in September, 1940, for the slaying of Oscar Davis, a white tenant farmer.

The announcement came at the close of a hearing of nine hours and a half during which attorneys for the condemned Negro described testimony on which he was convicted as a "composite mass of gossip" that left ample ground for reasonable doubt that the one-time share-cropper killed his employer in cold blood.

If the Governor should decide not to intervene Waller will die between 7 and 8 A. M. Thursday at the expiration of his fifth reprieve, which was granted to permit him to exhaust his recourse to the courts.

Waller's foster mother, Annie Waller, was called to support the defense contention that Davis was shot only after he denied to Waller his share of a jointly farmed wheat crop. The aged woman declared that before the shooting Davis told Waller, "Hell, you're not going to get a damn grain of that wheat."

Annie Waller, who earlier described Odell as a "smart boy and a good worker," told the Governor that Waller shot Davis down when Davis reached for his hip pocket "and when a man throws his hand back there you don't know what a man is gonna do."

To a question by the Governor as to whether Waller had been drinking before he went to the Davis place, Annie Waller replied:

"No, sir. He sold it but he didn't drink it."

Washington Post
Washington, D. C.

Labor Leaders Ask Mercy for Doomed Waller

By the Associated Press

Richmond, Va., June 26.—Three labor leaders wired Governor Darden and asked irVginia's chief executive to commute the sentence of Odell Waller, condemned Negro sharecropper.

William Green of the American Federation of Labor telegraphed the Governor, saying, "Labor throughout the country will be grateful" for favorable action on the petition."

Philip Murray, president of the Congress of Industrial Organizations, said, "The execution of Odell Waller would be a gross miscarriage of justice" and that "the attention of the Nation is focused on this case, and you have the opportunity to right a grievous wrong."

James B. Cary, secretary of the C. I. O., told the Governor, "It is our considered opinion that justice wolud best be served if you would extend executive clemency to Odell Waller."

Governor Darden recently stayed Waller's execution from June 19 to July 2. A commutation hearing will be held Monday in the old Senate chamber of the State Capitol.

Meawhile, State prison officials said today that Waller, 25, under sentence of death for the slaying of a Pittsylvania County farmer, recently has shown signs of violence. A wire screen has been erected in front of his death row cell.

Maj. Rice Youell, superintendent, and other officials said Waller was "either playing crazy or acting crazy." He was said to have taken off his clothes and thrown refuse and other objects at guards.

33-1942
New York Times
New York, N. Y.

VIRGINIA

Chattanooga, Tenn., Daily Times
June 16, 1942

Letters to The Times

Comment on the Waller Case

Judge Before Whom Negro Was Tried Believes Sentence Was Just

TO THE EDITOR OF THE NEW YORK TIMES:

In your issue of June 11 you have an editorial entitled "Odell Waller: A Test Case."

Inasmuch as you state that last November in the same court and before the same judge a white man was acquitted of killing a Negro in a similar case, I feel constrained to answer this, notwithstanding that I do not as a rule make any reply to comments in newspapers on my judicial acts. However, as the Waller case is closed so far as I am concerned, I feel constrained to give you a few facts.

The cases were not similar but just the reverse. A feeble old man named Siddle who had a stroke of paralysis had a sharecropper named Tom Denson who had killed one man in North Carolina and who had a bad reputation. He had served more than one sentence in the North Carolina Penitentiary and had the reputation of being a dangerous Negro. Siddle had some disagreement with Denson about the crops and the evidence disclosed that on the occasion of the killing Denson was entering the home of Siddle making violent threats. Siddle warned him twice not to come in, but he persisted.

Acquittal Upheld

Thereupon Siddle, who was too feeble to hold up a shotgun, rested it across the doorknob or some support on the door and shot at him [Denson] twice. The first shot missed and the second killed him. There was no contradiction of this evidence but the testimony of two of his children, who were shown to be some several hundred yards away and at a place they could not possibly have seen what occurred. Very properly the jury acquitted him on the ground of self-defense.

As to the Waller case, the evidence disclosed that Waller was a sharecropper of Davis, and they had some disagreement as to the tobacco acreage and Waller declined to go further with the crop. He went to Maryland and stayed up there until the day before the shooting, returning home on Sunday before the killing on Monday morning. Two members of his own race and kin people testified that on Sunday or Sunday night he told them that he was going up the next morning to get his wheat or get Mr. Davis.

The physical facts show that Davis was shot in the back and side, clearly indicating that he shot him as he turned to go back into the house. The uncontradicted testimony of the only eyewitness except Waller himself, who was a man of Waller's own race, was to the effect that he shot him twice after he was lying down on the ground. It will be seen from the physical facts that Waller's statement is incredible.

Waller Had Record

The evidence further disclosed that Waller was a vicious and dangerous Negro with a criminal record, and on one occasion had attempted to shoot one of the officers who was endeavoring to arrest him while engaged in the violation of the liquor law, either distilling or transporting; that Davis was not a man of any prominence or influence but simply an unoffending citizen.

You further state that no man of Waller's economic status sat on the jury, or could have sat on the jury, because they were excluded on account of the payment of their poll taxes. There is no such law and no such practice in Virginia of which I am aware. The jury commissioners are required to select good substantial and intelligent citizens for jury service, and this type of citizens usually pay their poll taxes as well as other debts.

If the argument usually made by those of your way of thinking was correct, the jury commissioners would be compelled to select for the list men who had not paid their poll taxes or who were sharecroppers regardless of their qualifications in other respects, which would make the jury system a farce. The word "peers" used in the Constitution of the United States as well as in the Constitution of the State of Virginia has no such meaning.

Lawyers Approved Trial

On the question of poll taxes my ruling in this case has been upheld by all the courts, including the Supreme Court of Appeals of Virginia, the United States Federal District Court and the Supreme Court of the United States. As to the fairness of the trial, I will state that at its conclusion two very worthy colored lawyers from Richmond came into my office and thanked me for the courtesy I had shown them and for the fair trial I had given their client, which was also concurred in by Thomas H. Stone, the white lawyer, as he came into the office while these colored lawyers were expressing their appreciation. It is noticeable that these two worthy colored lawyers dropped out of the case, but Stone did not.

In conclusion I will say that you must have been misled by the false and vicious propaganda that has been spread practically all over the United States, especially in the North and West, by these Northern societies, who apparently are backed by communism, and if you really understood the facts in this case you would not have written this editorial. It is surprising that the editorial writer of a big New York daily, carrying with it the influence and prestige it naturally has, would write an article of this kind, based upon propaganda bearing the impress of untruth on its face, without informing himself as to the true facts.

This was a vicious, dastardly case of murder in the first degree, and if he is not given the electric chair, capital punishment should be abolished. I think you will find that practically all white and colored people in this section take the same view.

There is no relationship between poll taxes and sharecroppers in the trial of this case. All this seems to be clearly an attempt to try the issue of poll taxes and sharecroppers in the courts instead of before the people. Courts are not held for any such purpose.

J. T. CLEMENT.

Chatham, Va., June 16, 1942.

Editorial comment on this letter appears elsewhere on this page.

A CAUSE CELEBRE

Odell Waller, Virginia Negro sharecropper, is to die Friday for the murder of Oscar Davis, white farmer, unless Governor Darden of Virginia commutes his sentence. The case has become a *cause celebre.* A number of leading newspapers have protested. The *Nation,* the *New Republic,* the *Christian Century* and other journals have entered the campaign. Harlem has planned a two-hour blackout of all lights in protest. A letter has been written to President Roosevelt by a group of citizens including John Dewey, Bishop Francis J. McConnell, John Haynes Holmes, Charles Clayton Morrison and others. Pearl Buck declares that Waller "has become a personification of all those to whom democracy is denied in our country." Nearly 2,000 letters of protest have been written to Governor Darden of Virginia.

The Supreme Court of the United States has twice refused to review the case, however.

Odell Waller worked for Oscar Davis, white farmer. Waller left to go to Maryland to work, and, after the harvest, Davis held Waller's share of the wheat crop. On July 15, 1940, Waller went to the Davis farm to get his wheat. Davis refused to surrender it. In the quarrel that followed, Waller shot Davis, who died two days later.

Waller pleaded self-defense in his trial.

A white jury, after deliberating fifty-two minutes, found him guilty. The Workers' Defense League took the case to the United State Supreme Court, pleading denial of Waller's right to a jury of his peers. It was contended that the jury was a "poll tax jury," that in Virginia jurors must show that they have paid their poll tax. The contention was made that this worked against Waller. Another contention was that there were no Negroes on the jury.

Like many *causes celebre,* false issues have been raised in this one. The Negro undoubtedly killed Davis, undoubtedly should be punished. The Richmond *Times-Dispatch,* however, appeals to Governor Darden to commute the sentence of death to life imprisonment, and for a reason far different from that which the protests

from various sources give. The *Times-Dispatch* declares "we have been as irritated and annoyed as any one by the misleading propaganda which has emanated from certain sources concerning this case; there have been serious misrepresentations and exaggerations." And yet, the *Times-Dispatch* urges a commutation to life imprisonment because certain circumstances at the first trial cast doubt on the first-degree murder conviction. The principal reason for this doubt as given by the *Times-Dispatch* was expressed in the following terms:

> But in this case we have become convinced that for various reasons, the jury may have erred in imposing the death penalty. Remember, when the case was tried in Pittsylvania County the defendant was represented by the Revolutionary Workers' League, U. S. A., an ultraradical group of Marxians with headquarters in Chicago, which no longer is associated with the defense. Is it surprising, in view of the atmosphere created in the courtroom by this organization, that Waller got death?

The reason for the appeal by the *Times-Dispatch,* then, is that a radical organization, based on Chicago, far from helping Waller when it took charge of his case, actually may have injured his case and may have caused the first-degree verdict. The Chattanooga Times believes that the Richmond *Times-Dispatch* has not merely done a service in asking that the commutation to life imprisonment be given, but likewise in pointing out to the Nation the harm which organizations like the Revolutionary Workers' League of the U. S. A. do to some of those bewildered Negroes of the South whose cases the radicals use as a springboard for their own self-advertisement. Chattanooga and Scottsboro, Alabama, are not without experience along this line.

The Times can readily believe that the Revolutionary Workers' League of the U. S. A. created such an atmosphere in the court as to make it impossible for justice to be rendered to the League's "client."

Washington Post
Washington, D. C.

Darden Hears Testimony in Waller Case

Clemency Is Asked For Doomed Slayer; His Trial Declared Based on 'Gossip'

By the Associated Press

Richmond, Va., June 29.—Terming the record of the trial of Odell Waller, condemned Negro sharecroper, as a "composite mass of gossip," his counsel asked Governor Darden today to commute his sentence on the ground that no one could say beyond a reasonable doubt that he slew Oscar Davis, white tenant farmer, premeditatedly.

John F. Finerty, counsel for Waller and representative of the Workers' Defense League, told the Governor that the testimony of no two witnesses at the trial in September, 1940, could be reconciled, and that there was every ground for reasonable doubt as to the circumstances connected with the shooting.

The Governor heard approximately eight hours of testimony and argument on the plea for exercise of executive clemency and took a hand himself in questioning some of the witnesses offered by the defense. Unless he intervenes the 25-year-old Negro will die in the Virginia electric chair July 2 at the expiration of his fifth reprieve since his conviction and death sentence one year and nine months ago.

Widespread Interest

Referring to the hundreds of letters and telegrams he had received in regard to the case, Governor Darden said it was apparent that thousands of people were convinced that Waler had been condemned to die because he was a Negro.

The one issue in the case, the Governor said, appeared to be "whether or not this man, because he is a Negro, is sentenced to death."

Sheriff A. H. Overbey of Pittsylvania County was called to the stand by Governor Darden and queried as to his knowldege of the type of persons Davis and Waller were. The officer testified that Waller was "continually in trouble, just misdemeanors," and that he was regarded as a "dangerous Negro."

"He fooled with liquor in a small way and one time drew a razor on an officer," the sheriff said.

Decries Violence Talk

Governor Darden interrupted at one point to declare there had been so much talk about violence in connection with the case that he wanted it clearly understood that "it will be put down with an iron hand." This, he said, would apply to violence started by any race or any race.

About 20 Negroes, including Waller's foster mother, Annie Waller, and his 24-year-old wife, Mollie, were among the approximately 50 persons who sat through the long hearing. Both the Waller women were called as witnesses and Annie testified that Waller shot Davis only after the farmer had denied his request for his share of a wheat crop with the words, "Hell, you're not going to get a damn grain of that wheat."

New York Times
New York, N. Y.

More Views on Waller Case

It Is Held to Involve Matters Aside From the Purely Legalistic

To the Editor of The New York Times:

Your editorial on the Odell Waller case is a great encouragement to every one who wants to see the administration of our laws brought into greater harmony with the social needs and trends of our time.

Your analysis and reply to the letter of the Virginia judge lifts the case out of both the legal technicalities and provincial atmosphere up to where, as you say, it transcends sectional issues. It stretches also beyond racial issues and exposes the heart of one of our greatest class problems, as both Oscar Davis and Odell Waller were victims of a tenancy system that has been and still is one of our great problems of democracy.

GEORGE E. HAYNES,
Executive Secretary Federal Council of the Churches of Christ in America.

New York, June 19, 1942.

Crime and Motives

To the Editor of The New York Times:

In your second editorial on the case of Odell Waller you quote with approval the statement from The Richmond Times-Dispatch saying "We recognize the justice of the contention that in a case involving economic and social conflict, as this one does, the jury should contain members of both classes of society involved in the conflict."

Waller was tried for first-degree murder. That is, he was tried for an act regarded as wrong in itself. The motive for his act may have arisen out of economic and social conflict. Should he have been tried, instead, on the merits of his motive? Is it a defense to murder that the accused has a satisfactory reason for hating the victim?

Do I understand you to endorse the notion that economic and social conflict is on trial in any murder case in which the hatred of the murderer may have its origin in a sense of economic or social inferiority? Is the so-called "unwritten law," by which a jury refuses to call murder murder when it was occasioned by an assault on the sanctity of the home, to be extended to excuse any murder if the jury feels that the hatred of the murderer is justified?

In short, are juries in murder cases to sit upon the merits of the murderer's motives, and if so, are special juries to be drawn in such cases with an eye to seeing that there are men on the jury who can thoroughly appreciate the motive which the murderer offers in his defense?

If this is the case in one type of crime, why not in any other? Then in any case it is a perfect defense that the criminal felt that he was the victim of injustice and decided to resort to self-help and to take any means at his disposal to right his alleged wrongs. If a jury decides that the accused was the victim of injustice and the act in question related to an effort to deal with the injustice, then no crime was committed.

If that is the law, the criminal code is carried around in the hearts of jurymen and everybody accused of crime is tried entirely by the prejudices of juries. The actual commission of an act heretofore regarded as wrong in itself is secondary to the question of the sentiments of the accused and the sentiments of the jury in respect of the sentiments of the accused.

MURRAY T. QUIGG.

New York, June 19, 1942.

New York Times
New York, N. Y.

JUSTICE IS NOT SECTIONAL

Governor Darden of Virginia yesterday took up the painful task of determining whether or not he would commute the death sentence of Odell Waller, Negro sharecropper convicted of killing his landlord. This is no question between guilt and innocence, but of a degree of guilt. It is not most importantly a question of one man's life. It is a question of whether or not Pittsylvania County, Va., deprived Odell Waller of his constitutional right to an impartial trial by jury. He was tried by twelve white men, none of them sharecroppers, ten of them landlords. Negroes and sharecroppers were excluded, not as being such but because they had not had the money to pay their poll taxes.

A few Southerners can always be found to argue that constitutional rights south of the Potomac River are no Northerner's business. We disagree. We believe that every American ought to be sensitive to the constitutional rights of every other American, no matter where he lives. We hope the people of Virginia and other Southern States will raise their voices whenever they think there has been an error in justice in, let us say, a New York, New Jersey or Connecticut court.

In Waller's case, however, a distinguished section of Virginia opinion has appealed to Governor Darden for "an act of mercy." On this notable list are: President John Stewart Bryan of the College of William and Mary; the Rev. Beverley M. Boyd of Grace and Holy Trinity Episcopal Church; Vice President William M. Brown of the State-Planters Bank and Trust Company; Virginius M. Dabney, editor of The Richmond Times-Dispatch; the Right Rev. H. St. George Tucker, Bishop of the Diocese of Virginia and Presiding Bishop of the Protestant Episcopal Church in the United States; representatives of the major labor unions and other leaders in business, the churches and the professions. We do not believe that Governor Darden regards justice as a State or sectional matter. He is a man whose belief in fair play has never been questioned.

33-1942
The Daily Worker
New York, N. Y.

VIRGINIA

Waller's Execution Has Given Aid to Hitler, Charges Yergan

Max Yergan, president of the National Negro Congress, yesterday attacked Odell Waller's execution as a "blow to the whole cause of Negro rights," as symbolizing the Negro people's unequal status in the United States and as giving "confidence and aid to the enemies of our nation who are serving Hitler within this country."

The National Negro Congress, Dr. Yergan said, calls upon all "fair-minded Americans, and especially upon labor, to rise to the occasion and see that the lynch system against Negro citizens is wiped out" as a stimulant to the war against Hitler. His statement continued:

"We urge all patriotic forces to call upon the national government to pronounce and put into practice a far reaching policy designed, once and for all, to give full citizenship to the Negro people and to eliminate every barrier to their full participation in our national life and in our war against Hitler.

"We urge the greatest unity of the Negro people among themselves, and the greatest unity within the entire nation against such outbursts of lynch justice, to the end that our entire war effort be immeasurably strengthened and the Negro people have the justice and equality which are rightfully theirs.

"The National Negro Congress calls upon its Councils and friends to hold immediately, Win-the-War Rallies to protest against the outrageous injustice of which Odell was a victim.

"The National Negro Congress calls also for an immediate energetic campaign to enact the Anti-Poll Tax Bill as a blow at the system which is responsible for the death of Odell Waller.

"The National Negro Congress calls for complete unity among the Negro people and is prepared to cooperate fully with all organizations against injustices of which Negroes are victims as the most effective means of winning the war."

Chicago Bee
Chicago, Illinois

AN EDITORIAL . . .

LONG LIVE THE MEMORY OF ODELL WALLER

THE electric shock that came from a crude looking chair in Virginia's death chamber silenced the lips of Odell Waller last week but it will not silence the voices of colored and white Americans whose social consciousness has been quickened and whose love for real democracy has been stimulated by the failure of elemental justice to the condemned man.

Waller knocked twice at the door of the highest court in the land. No answer. No reason given. He exhausted his remedies in the lower courts of Virginia. His case was taken to the President of the United States. From the silent record of Virginia's executioner comes the sad results.

Waller did not ask much. He only wanted to be tried by a jury of his peers. He wanted people like himself to assist in deciding his fate. Beyond that nothing more was asked. The state chose to have him tried by an all-white blue ribbon jury made up of people who had paid their poll taxes. No others can sit on juries in that state.

Waller knew, and he told every court that would listen, that a jury of that kind would sympathize with the side of the state because he had killed a white landlord. Waller knew, and he told every court that would listen, that the economic conditions in that state made it almost impossible for the sharecropper to pay a poll tax and because of that such persons could not serve on juries.

Waller only wanted justice. He only asked for a fair and impartial trial by his peers. He was denied it at a time when the cry of the progressive nations of the world is for more and more democracy.

Waller was a symbol. Waller was a martyr and the memory of his two-year triumph for simple justice will be the echo, the voice crying in the wilderness of hate and fear and prejudice interspersed with the ill-effects of a poll-tax democracy to spur us on in the onward fight for freedom, justice and equality.

Richmond, Va. Times-Dispatch
June 16, 1942

Voice of the People

Waller's Sentence

Editor of The Times-Dispatch,
Sir:

Your sensible and fine editorial of today [June 14] on the Odell Waller case has my sympathetic endorsement.

I have twice taken this matter up with Governor Darden through correspondence and sincerely pray that he may be persuaded to commute this sentence to life imprisonment as you have so completely and intelligently suggested. There are many reasons for a new trial, as you realize, from many articles in this case, but even if the Ashe ville hearing should not be effective in this respect, electrocution of this man would, in my judgment, be a tragic error and perhaps far-reaching in results.

Every religious and socially minded group should voice a protest against capital punishment in this case. The crime is not condoned, but mercy is asked.

FRANK W. LAUGHTON.
Richmond.

Miss Rosmanith's Meaning

Editor of The Times-Dispatch,
Sir:

From your comment on Olga Rosmanith's letter in your issue of June 10, I am wondering if you have not perhaps misunderstood her real meaning.

To Miss Rosmanith's plea for an enlightened viewpoint on the sentence of Odell Waller, Negro sharecropper condemned to the electric chair for the murder of his white superintendent, your comment reads as follows:

"A balanced view of the Waller case makes it necessary to take into consideration the fact that Oscar Davis, the slain man, was unarmed at the time he was killed, and the further fact that he was shot four times, twice in the back."

Surely the point of Miss Rosmanith's letter is that, the more heinous the crime appears, the greater the ignorance from which it has sprung. And this widespread ignorance is the fault of us who comprise socalled society, those of us who have had advantages of birth, environment and training. Should our balanced judgment be that of the old Mosaic law, "An eye for an eye, a tooth for a tooth," or that of Jesus the Christ, whose teachings of brotherly love, after 2,000 years, we are only just beginning to comprehend?

It is our own ignorance of the great laws of the universe that have brought upon us the gigantic world conflict in which we are all now plunged, whether we like it or no. And especially it is ignorance or disregard of the law of brotherhood. The age-old and still vital question, "Am I my brother's keeper?" has been continually answered, save by a few, in the negative. Wars will continue to exist until the people of the world learn that no man, no country, can live in disregard of responsibility toward other human beings.

And this responsibility begins at home. The war is only bringing to us the realization, on a colossal scale, of the same evil—ignoring the rights of others—that exists at our very doors. When we fight, therefore, to preserve the ideals of democracy, just what is this democracy? Does it not consist in offering equal opportunities to all, so far as humanly possible, for education, for enjoyment of beauty, peace, some measure of the world's goods, and especially the opportunity and freedom to live by the Christ standards, upon the highest human plane which the individual soul is capable of attaining?

This is no sentimental plea for justice to be overruled in the case of a crime against society. But what is crime but ignorance? Society should be protected from the criminal, certainly. He should pay his debt, in some way, for the life he has taken. But how? And what about society's debt to the socalled criminal? Had we of the presumably enlightened class fulfilled our debt to this Negro boy and others of the underprivileged, or those ignorant of the true law, there would be no criminal class. Crime is bred, as all know, in ignorance and poverty. And ignorance of universal law is not necessarily confined to those whom we call the underprivileged. Centuries of neglect or of wrong handling of wrong conditions by organized society cannot change these conditions overnight, nor in a generation. Certainly, justice must be meted. But what is justice? Instead of deliberately taking a life to pay for a life, which benefits nobody—least of all, the ignorant soul hurled into the unknown—could not the criminal's debt to society be better paid by imprisonment under humane conditions, during which he would be given the training he has lacked, as to his place in the world brotherhood? Would not this be true justice?

Last Sunday your paper carried an excellent article concerning our State penal system. With the notably forward steps Virginia has already taken in this direction and in sociological work, could we not go still further and place ourselves in the forefront of enlightened humanitarianism? Our standard no longer "An eye for an eye," or a life for a life, but "This is my brother. How have I failed, that he should have made this misstep? It is my duty and my privilege to aid in correcting his mistakes, first striving to undo those of my own, that we may work together for a true world brotherhood of man."

Mr. Editor, is this standard the Federal courts. Our note on Miss Rosmanith's letter was not intended to cover all phases of the case.]

ANNABEL MORRIS BUCHANAN.

The Daily Worker
New York, N. Y.

Must Wipe Out Shame of Waller Case--Cacchione

Peter V. Cacchione, Communist Councilman from Brooklyn, yesterday assailed the execution of Odell Waller as in "flagrant defiance of the constitutional rights of the Negro people." His full statement as released to the press follows:

The high-handed execution of Odell Waller by Governor Darden and the Bourbon rulers of Virginia is a serious blow against the Negro people, against national unity and the war effort. It is flagrant defiance of the constitutional rights of the Negro people.

Waller's execution is also a deliberate slap in the face of the Negro people, labor and broad sections of the American people, all of whom had expressed their opinion that his life should be saved.

Negro discrimination and segregation are incompatible with American democracy. They are wrongs under the Constitution. In this critical hour when the freedom and independence of our country is at stake, they constitute a serious hindrance to the war effort and victory. Jim-Crowism and discrimination must be wiped out now. Consistent with the dignity of the Negro people and in the national interest of our country, the Negro people must be granted their citizenship rights immediately.

Chicago Defender
Chicago, Illinois

THE DEATH OF ODELL WALLER

The cause of equal justice and true democracy was dealt a jolting blow when Odell Waller, a 25-year-old Virginia sharecropper, was executed on the morning of July 2, in Richmond, Va., for the murder, in self-defense, of his white landlord in a dispute over a wheat crop.

Waller was tried and convicted by an all-white poll tax jury composed of ten farmers, one businessman and one carpenter. He was therefore convicted by jurors that were not his peers. This of itself was an indefensible violation of a basic legal principle, namely that a trial by a jury of his peers is the Constitutional right of every accused American citizen.

The United States Supreme Court twice refused without opinion to review the case. And, Gov. Colgate W. Darden of Virginia would not commute Waller's death sentence. Seventy-two thousand requests for clemency to Governor Darden failed to bring practical justice.

Negro Americans and enlightened whites have been given a brazen, convulsive demonstration of putrid injustice at a time when our faith in democracy should be strengthened by every agency within the framework of representative government.

Here was a victim of an outlandish, inhuman economic and social system. Here was a sharecropper who worked hard from "sunup to sundown" trying to make a living for his family. Yet he stood helpless before the very law that was meant to protect and safeguard the interests of common citizens in a democracy. The U. S. Supreme Court could have given substance and meaning to the theory and practice of democracy by reviewing the Waller case; and the governor of the state of Virginia would have inspired confidence in government by a proper exercise of executive clemency.

Democracy cannot long last with one law for the rich and another law for the poor; with justice for white citizens, and injustice for Negro citizens. Odell Waller is dead, but Negroes cannot afford to let the issue of equal justice die, lest they should allow themselves to be denied the full measure of democracy.

Washington, D. C. Post
June 30, 1942

Odell Waller

John Dewey and other Americans who have taken up the case of Odell Waller, the Negro sharecropper who is under sentence in Virginia to die July 2 for the murder of his landlord, seem to think that their case is improved by trying to deny Waller's record. Mr. Dewey, in a letter to this paper last week, casts doubt on our statement that Waller "is a bad man with a bad record." But we went by the evidence. That evidence was summed up by the judge in Pittsylvania County, Judge Clement, who said, "The evidence in the case and his general reputation disclosed that he was a vicious, lawless, and dangerous Negro, with whom the officers had had considerable trouble, and that on one occasion he had attempted to shoot one of the officers." That seems to have been a fair conclusion about Waller. The condemned man had been convicted of reckless driving and transporting illegal whisky, of carrying a concealed weapon and of threatening an officer, of violating the State game laws, of transporting illegal whisky a second time, twice for driving an automobile after his license had been revoked.

The case for a commutation of the sentence which is now under consideration by the Virginia Governor rests upon two arguments. One is that the evidence does not justify the electric chair. That is to say, the murder was not premeditated. As to this, the evidence is not holeproof, but it is nearly so. There had been a difference of opinion on the wages in kind that Waller got from his landlord, who, incidentally, was a sharecropper himself. Two Negroes testified that on the day before the murder Waller had told him that he was going to get his wheat or kill Davis, the landlord. To one of the men he said that another man had gotten away with it—that is, had taken the law into his own hands. Waller went fully armed to the Davis home. Testimony was offered by an 18-year-old Negro boy that Davis gave no provocation; on the contrary, Davis told Waller that the wheat would be threshed the next day, and that he would then send Waller his share. Then he turned to go into the house for breakfast, whereupon Waller fired four shots into Davis, two of them into his back after he had fallen to the ground. Still, as Mr. Dewey says, that testimony was different in material respects at the Trial Justice Court previously.

That is why we raised the question whether willful murder had been proved. The other argument in favor of Waller revolves around the old question of the composition of the jury. Mr. Dewey is correct in questioning our statement that there had been no trial objection that the jury was not composed of representative citizens. The truth is that an objection was made, but that Waller's trial counsel failed to offer evidence of the facts as to the nonrepresentative character of the jury. Specifically nonpayers of poll tax were excluded, but no proof was given. And, since no proof was given, a stay of execution has again been denied by the Supreme Court. In all the circumstances it is to be hoped that Governor Darden, who must act before Thursday, will commute the death sentence on Waller, as has been petitioned by many notable Virginians. But no good will be accomplished by Mr. Dewey and his friends in going beyond the plain facts—in the manner of the Scottsboro case—to strengthen their own appeal.

Washington Post
Washington, D. C.

Waller Attorney Has No Comment On Bar Criticism

Richmond, Va., July 15 (AP).—Edmund M. Preston, attorney for Odell Waller, Pittsylvania County Negro who was electrocuted at the State penitentiary on July 2 for the murder of a tenant farmer, declared yesterday he had no comment to make on the action of the bar of the Seventh Judicial Circuit in condemning him for "attacking the integrity of Judge J. T. Clement" in a public hearing on June 29.

Preston declared "I would rather not discuss in the press the action of the bar of the Seventh Judicial District in spite of the precedent established by members of that bar in reporting their simultaneous indictment, verdict and judgment." The Seventh Judicial District bar adopted a resolution Saturday condemning Preston.

Preston said during a hearing for Waller before Gov. Darden that letters the judge had written to newspapers on the case were a "defense of himself" and assumption of the role of prosecuting attorney. The attorney said the judge's action debased the judiciary.

33-1942
Amsterdam News
New York, N. Y.

Around and Beyond ..... *By Frank Crosswaith*

Odell Waller Is Dead

A 25-year-old Negro sharecropper went to his death in the electric chair in the Virginia Penitentiary shortly before 9 o'clock on the morning of Thursday, July 2nd, 1942. His execution came just about 48 hours before his countrymen celebrated the 166th birthday of a nation dedicated to the noble principles of "freedom and justice for all"—A nation upon whose cradle was inscribed a guarantee to all charged with a crime, trial by a "jury of their peers" and a nation whose founders stirred the hearts of thinkers everywhere and gained universal sympathy with the slogan: "No Taxation Without Representation."

Mr. Crosswaith

Shortly before he was led to the death chambers in the State of Virginia, Odell Waller had scribbled on paper some thoughts. ". . . In my case I work hard from sun up until sundown trying to make a living for my family and it ended in death for me. . . .

"You take big people as the President, Governors, judges, their children don't never have to suffer. They have plenty money. Born in a mention (mansion) nothing ever to worry about. I am glad some people are that lucky.

"The penitentiary all over the United States are full of people ho (who) was poro (poor), tried to work and have something, couldn't so that maid (made) them steel (steal) an rob . . ."

Those ungrammatical thoughts from the trembling pen of that young black man who like millions of black and whites are systematically kept illiterate for purposes of exploitation by a section of society—to whom the Declaration of Independence and the Federal constitution mean little—will yet find a place among the cherished thoughts expressed by thinkers and philosophers of all times.

Ten Million Victims

The readers of this column are undoubtedly familiar with the story of Odell Waller, and the poll tax system, of which over ten million Americans are victims; they are also familiar with the two-year struggle conducted by white and colored Americans who take seriously their citizenship and their responsibility to society, in an effort to see that justice at least in this instance no longer remained a cold proposition—JUST ICE. All of our efforts failed.

The death of this young Negro farm hand is definitely a challenge to every civilized American, and comes at a time when every responsible official of the nation is rightly demanding unity in our efforts to defeat the Axis powers and thus preserve the cultural and spiritual gains which embellish the principles and institutions of democracy. His electrocution is literally a slap in the face of every Negro.

Apparently those who are guilty of this fresh insult to our group are unable to recognize the fact that the Negro they are dealing with today is not the Negro of yesterday. This new Negro has defiantly cast out of his psychic make-up the old slavish idea about turning the other cheek. Instead he is with boldness and courage demanding liberty or death. He is learning with spiritual profit some stories of American history. He now understands the full meaning of the Boston Tea Party, the Battle of Bunker Hill and the many other episodes in our national life that make American citizenship the envy of all, and he is with increasing evidence showing a determination to share equally in all of the privileges and benefits that go with American citizenship.

Parents Should Be Treated Right

If the child of a Negro can be drafted for service in the Army of his country even as the child of a white citizen is drafted, then the parents of that Negro draftee and the soldier himself should, like the white soldier and his parents be entitled to every privilege enjoyed by white Americans. If a Negro is good enough to toss a bomb in Burma in defense of democracy then he is also good enough to cast a ballot in Alabama to make democracy worth defending in Burma. This is the decision of the New Negro and our countrymen of all colors and religion must now recognize the spirit behind that decision and adjust themselves to it. We are determined that Odell Waller must not have died in vain.

Kansas City Call
Kansas City, Mo.

Worker's League Blasts Waller Execution As 'Appalling Blunder'

NEW YORK. — (ANP) — The following statement on the execution of Odell Waller is issued on behalf of the Workers' Defense league by Rev. Laurence T. Hosie, acting national chairman, Layle Lane, vice-chairman, Dr. George S. Counts, treasurer, and Morris Milgram, national secretary:

"An appalling blunder has been committed which should sober every American citizen with enough insight to understand the perils facing America and all freedom-loving peoples at this hour. The character of any people is found not in its word but in its deeds. The execution of Odell Waller is a setback to the improvement of race relations which has been going on steadily in the south for the last quarter-century.

"The Workers' Defense league has sought to save Odell Waller and, through him, to defend America's cherished institutions. Any one of at least four facts should have brought clemency or postponed execution:

"1. Waller obviously did not get a fair trial. This fact was apparent to nearly everyone who considered the case. Waller was tried by a jury of poll-tax payers. Furthermore, evidence at the trial was, to objective observers, confused and inconclusive.

"2. The United States Supreme court's refusal, on a technicality, to review the case has the effect of saying that a man can die for the technical error of his trial lawyer. This attitude comes from a court which has been ragarded as the great guardian of the people's rights.

"3. The case had aroused the personal concern of millions of millions of Americans, among them some of the most respected and able in our country. These men and women did not claim that Waller was innocent; they simply petitioned their courts and their executives in an effort to protect judicial processes. They proceeded openly, along channels provided for just situations, and to the last it seemed inconceivable that their earnest desire to fulfill their responsibility as citizens should be so seriously affronted.

"4. An international problem of truly epochal significance has arisen in the relationship of colored peoples to the white race. Waller was black. Here, without any of the complications of military necessity, was an opportunity to demonstrate that, in America, freedom knows no color. Yet Waller died at a moment when every Negro in America is intent on discovering just what his rights are as a human being.

"These facts prove exactly the opposite of Gov. Darden's contention that the type of campaign carried on in behalf of Waller was 'extremely detrimental to the public interests' and had the effect of sowing 'racial discord at a critical time.'

"The morale of the American people is based on the conviction that this is their government and that no liberty is to be infringed upon save because of military necessity. National unity does not depend on blind acceptance of injustice but on eternal vigilance in the protection of liberty.

"Odell Waller has not died in vain. Around him have gathered Americans from every walk of life who understand more clearly now than heretofore how much black and white men have in common and how essential it is that they work together in creating an America that is free in fact as well as in hopes."

Waller's execution on Thursday morning, followed last-minute appeals by outstanding citizens to Gov. Darden for a further stay of the execution and unsuccessful attempts by a delegation of 10 of the country's most prominent Negro leaders to secure Presidential intervention.

Amsterdam News
New York, N. Y.

Odell Waller and Scottsboro Five

THE EXECUTION last week of sharecropper Odell Waller makes it all the more imperative that the five remaining Scottsboro Boys in Alabama be freed at once. Odell Waller is dead. He may, according to the letter of Virginia law, have been guilty of murder, but the alleged crime he committed grew out of the un-American and un-democratic social system which permits the white and black sharecropper to be exploited mercilessly by the white ruling class. Similarly, the Scottsboro case is an indictment of the social system in the South, which, in this instance, quailed before world opinion and freed four of the nine men. Unfortunately, the South was not willing to admit that it was entirely wrong in its handling of the Scottsboro case; and its pettiness and desire for revenge, which make it hold five of the boys in prison, only emphasize the Bourbon policies of the South.

Virginia was not sure it was right in the Waller case, especially when aroused public sentiment demanded a fair hearing for the young man; in this instance, trial by jury of his peers—Negroes, poor white sharecroppers and other workers who were excluded from the jury panel by the feudal poll tax. This is clearly indicated in the reprieves granted Waller. The Scottsboro and Waller cases are ringing indictments against a system in the South which supports the few at the expense of many. These cases are terrible examples of persecutions against Negro citizens which will continue and grow in magnitude unless checked at once—checked by immediate freedom of the five Scottsboro Boys and prompt action by Congress on the Pepper Anti-Poll Tax Bill.

If Governor Colgate W. Darden, Jr., of Virginia, would defy public opinion at a time like this and send a man to his death, when the circumstances surrounding his trial raised serious doubts whether justice had been done, then every Negro in Virginia who is unable to pay poll taxes may be a potential victim of the cold, merciless fury of the white Bourbon aristocrats. Governor Darden's refusal to commute Waller's sentence in face of the many petitions sent him indicates a resolve and desire to endorse the Southern feudal method of dealing with underprivileged and exploited minorities. The courts and officials of Alabama who could not bear the penetrating spotlight of public opinion and were stopped in their determination to legally lynch the nine Scottsboro Boys were forced to free four of them, holding five in an attempt to "save face" before home sentiment. Governor Darden in Virginia took the opposite course and made Waller an example for the rest of the Negroes throughout the country to remember when challenging the right of their "betters" to exploit.

Governor Darden, according to the Richmond Times-Dispatch, said that the main issue was

"whether this man is being sentenced to electrocution because he is a Negro." The Times-Dispatch noted that the Governor broke in on the hearing at one point to state that he had received hundreds of communications urging him to set Waller free. He said these requests were the result of pamphlets circulated by the Workers Defense League which were "utterly false" and indicted the Commonwealth of Virginia.

The Governor denied that the Vrginia poll tax "has the effect of dividing the people of Virginia into economic classes" and ruled that "the rights of the accused were not prejudiced by the class of persons from which the jury was drawn. (Waller's jury was made up of one business men, one carpenter, and ten farmers, all white.) Governor Darden's distate for the public interest in the case could be seen in his statement that "the widespread propaganda campaign which has been carried on without any regard for the facts in this case has resulted in grossly distorted and false public concepts of the true situation." Such a campaign, he pointed out, was "extremely detrimental to the public interests. . . . The only effect is to sow racial discord at a critical time when every loyal citizen should strive to promote unity."

The electrocution of Odell Waller and the continued imprisonment of the five Scottsboro Boys are the incidents which are "extremely detrimental to the public interests." Racial discord will be more intensified until these injustices are rectified; until every underprivileged black and white in this country is given an equal opportunity to be a full citizen; until every anti-American, undemocratic law is wiped off the statutes books and until the law is administered fairly and equally without regard to race or color.

Kansas City Call
Kansas City, Mo.

An Excuse, Not a Reason

Judge Lynch supplied the arguments which the governor of Virginia made use of to excuse his refusal to stay the execution of the Negro sharecropper who killed the white owner of the farm he tilled. Said the governor: (1) The forms of the law have been complied with; (2) the appeals for the condemned are outside intervention.

The excuse that the law called for the conviction and execution, is no adequate reason for refusal to investigate this or any other condition that breeds killings. The white land owner was himself a helpless victim of circumstances. An investigation would have brought that out. But now that refusal to delay execution brings the case to a close, there is no urgency about finding the cause of the trouble.

Pain in the body is an order to go to the doctor. Trouble in the community if followed by sincere effort at reform can perform that same service and would have in Virginia had not its governor taken the stupid position characteristic of some states, that nothing worth notice happens when Negroes suffer.

The governor's public statement is a repetition of what used to be standard when lynching was at its worst. Then the South defended its barbarism, not by proving the guilt of the accused, not by showing the efficacy of its methods in promoting better behavior, but by claiming "We know Negroes. Leave us a free hand in dealing with them." Peevishly this governor says that "There is too much outside pressure."

In the name of common sense, where else could pleas for justice come from? Virginia, like the rest of the states that disfranchise their black citizens, robs whites too. One of the astounding findings of the day is the unfitness of a large number of white draftees from the South, due to lack of schooling. Security and well being are more than an individual's accomplishments. They are in part the work of his neighbors. For that reason we always maintain that Negroes should vote and be taxed to educate whites as the one way to get them to understand how necessary it is that we be educated too.

Had it not been for the South's politicians who have found in race prejudice a short cut to office, experience would long since have dictated cooperation for the good of the community with the color line an incident, not a cause for action. Disfranchisement and the rest of the back laws hurt whites. The only way to keep a man down in the gutter is to get down in it with him and hold him there.

Daily World
Atlanta, Georgia

Between The Lines

By DEAN GORDON B. HANCICK

How Waller Was Doomed

RICHMOND, Va.—At eight o'clock today, July 2, Odell Waller paid in the electric chair the debt demanded him by his native Virginia for the murder of Oscar Davis, a white Virginia farmer of Pittsylvania country. The Waller case was easily one of the most celebrated in the legal annals of Virginia. The effort to save Waller from the electric chair was nation-wide, but to no avail.

The cards were stacked against Waller from the beginning, for his last written message of farewell revealed that he was lamentably ignorant. Many years ago a Negro electrocuted in Virginia of whom the reporters said he was "fearfully ignorant." I wrote at the time a letter of warning Virginia what a fearful thing it was to electrocute the "fearfully ignorant." Waller had the benefit not only of fine and capable legal counsel but he was in a remarkably way, the beneficiary of a far reaching propaganda.

PROPAGANDA HARMFUL

I was tremendously afraid from the beginning that the propaganda campaign would in its valume and momentum, prove harmful to the convicted Waller. It is doubly tragic that this great amount of propaganda could not have been spent on a more hopeful case. It was quite significant that of the various appeals not once was the opinion of the Pittsylvania court over-ruled. It was the opinion of the Supreme Court of the United States that the accused had a fair trial.

When the matter resolved itself into whether a commutation to life imprisonment could be obtained from Gov. Darden, propaganda doubtless proved most detrimental. After all, the race issue was dominant; and the south is always resentful to any highpressure tactics which involve race relations. Gov. Darden is more desirous of standing with the south that can do things for him than with the propagandist who cannot. He therefore refused to interfere with the death sentence.

So today Waller died, but in dying did not settle the matter of justice. Whether Governor was swayed more by the facts of law and justice or by a resentment against the high pressure tactics of the propagandists is a matter than even Gov. Darden himself may not know.

DAVIS FIRST TRAGEDY

The first tragedy was the death of Oscar Davis, the white farmer of Pittsylvania, and the second was the death of Waller, obviously an under-privileged Negro who was doubtless driven to take the law into his own hands, because the law too often failed to take a hand in matters involving justice between whites and Negroes in their relations.

The gerater tragedy is that Waller went to his death without any impartial thinking on his case. Such cases are trials of races and not individuals. It is to be seriously questioned as I mentioned ten years ago, if a fair trial is ever possible when the accused is of different color of the occuser. How can any jury of white men leave out of account the color of a man's skin in a color-struck world? How can any Negro see straight in matters of race relations? How can a community that has thought crooked about Negroes for 10 generations suddenly choose 12 men and a judge than can overnight think straight?

But Negroes are paying a fearful price in the premise. The Time-Dispatch, Richmond's morning paper, makes the startling revelation that Waller is the 156th Negro to die in the electric chair in Virginia as against 23 white men. Here we have 30 per cent of the population supplying 87 per cent of the electric chair victims. Multiply this tragic circumstance by the number states of the southern regions and we have the greatest tragedy. Keeping the Negro "in his place" is largely a matter of keeping him poor and ignorant and hopeless and criminal, and dooming him in the end to the electric!

HARD TO UNDERSTAND

How many Negroes would have gone on delegations to the Governors and Presidents to plead for commutation of the sentence had David slain Waller? The brilliant delegation that went to Washington in behalf of Waller unfortunately dramatized the situation by pleading that a commutation of Waller's sentence would "restore the badly shaken faith of our Negro minority in American democracy."

Just why the committee would make it a race issue instead of an individual issue is hard to understand. To have predicted the faith of the Negro in American democracy upon a case where all the courts had sustained the lower court was had strategy regardless of who advised it. Trump cards should be played for only high stakes. The prestige of the race was needlessly weakened when the President failed to intervene!

Black Dispatch
Oklahoma City, Okla.

Long Live The Memory of Odell Waller

The electric shock that came from a crude looking chair in Virginia's death chamber silenced the lips of Odell Waller last week but it will not silence the voices of colored and white Americans whose social consciousness has been quickened and whose love for real democracy has been stimulated by the failure of elemental justice to the condemned man.

Waller knocked twice at the door of the highest court in the land. No answer. No reason given. He exhausted his remedies in the lower courts of Virginia. His case was taken to the President of the United States. From the silent record of Virginia's executioner comes the sad results.

Waller did not ask much. He only wanted to be tried by a jury of his peers. He wanted people like himself to assist in deciding his fate. Beyond that nothing more was asked. The state chose to have him tried by an all-white blue ribbon jury made up of people who had paid their poll taxes. No others can sit on juries in that state.

Waller knew, and he told every court that would listen, that a jury of that kind would sympathize with the side of the state because he had killed a white landlord. Waller knew, and he told every court that would listen, that the economic conditions in that state made it almost impossible for the sharecropper to pay a poll tax and because of that such persons could not serve on juries.

Waller only wanted justice. He only asked for a fair and impartial trial by his peers. He was denied it at a time when the cry of the progressive nations of the world is for more and more democracy.

Waller was a symbol. Waller was a martyr and the memory of his two-year triumph for simple justice will be the echo, the voice crying in the wilderness of hate and fear and prejudice interspersed with the ill-effects of a poll-tax democracy to spur us on in the onward fight for freedom, justice and equality.—Chicago Bee.

Peoples Voice
New York, N. Y.

Complete Text,

ODELL WALLER'S DYING STATEMENT

(Written on July 1, the day before his execution, and handed to Edmund M. Preston, Richmond associate of John F. Finerty as volunteer counsel for the Workers Defense League in the Waller case).

"I realize I haven't lived so upright in the past with the laws of the Good Lord and with the laws of the land. As my time comes near each second means I am one nearer my grave. I have asked God to forgive me and I feel that he has. One thing you can't make a young person out of an old one and you can't make an old person out of a young one. It takes time and expernce (experience). All you people take this under consideration. Have you ever thought about some people are allowed a chance over and over again then again there are others are alowed little chance (--) some no chance at all. When a fellow accident (accidentally) falls dont get one (on) him with bth feet (--) help him up, and when he is see another ditch he will walk around it an advise others of the place so they can seen it. If you mash him down he cant advise others of the danger. This is Odell Waller speaking & axident (accident) fell an some good people tried to help me.

"Others did everything they could against me so the governor & the coats (courts) dont no (know) the true facts. First I will say dont work for a man two (too) poor to pay you. He will steel (steal) and take from you. In my case I worked hard from sun up until sun down trying to make a living for my family an it ended up to mean death for me. When the wheat was threshed I was in Maryland working 7 days a week 10 to 12 hours per day sending money home to pay for harvesting & thrashing the wheat and had told mother to have Robert to bring my share from the machine when it was threshed.

Robert hope (helped) measure the wheat on my share was 52 bushels. His wagon was there to move my share. Mr. Davis was too poor to see me have the wheat and wouldn't let Robert cary (carry) to mothers house (--) took it and locked it in his store house. I diten (did not) owe him one penny. I shouldn have gave him the wheat if I had to beg for bread and eat out of other people garbage cans. Now going after the wheat I wasnt thinking of shoting (shooting) Mr. Davis. When I left home I put the gun in the truck and the pistol in my parket (pocket) planing (planning) on gitting out of the truck up at the road coming around the edge of the woods seeing a rabbit or some thing. I told that in cort (court).

"Here is how Thomas was at Davis. His father an law (father-in-law) had cut Curtis Williams and was in jail. Curtis lived on the next farm working with a farmer. Thomas said he was going to go over an see Curtis about going to the trial that morning and I will be back an help load the wheat. He got off and went down cross the field to Curtis. I spoke to Mr. Davis & Henry a Negro staying with Davis. They spoke.

I told Mr. Davis I come after my share of the wheat. Henry said you cant carry that wheat all on that truck. I said I can make two trips then. Davis spoke you ant (ain't) going to carry that wheat away from here. I told him I diten (did not) see why. I diten owe him any thing. When I said that Davis flue hot (got mad) and began to cursh (curse) about the wheat. Naturly (naturally) I got angry and from one word to another. Davis thrut (thrust) his hand in his pocket in an expct (expect) to draw a gun.

If he diten have one he was bluffing. He frightened me. I pulled a gun an begin shoting (shooting) not intending to kill him. I was frightened. I dont noe (know) what become of Henry. I dont no how many times I shot. I thue (threw) the pistol away. I no Davis had a pistol for I have seen it in his parket (pocket). He carried it for his son Edgar. They always had trouble and Davis tried to make Edgar leave so he could take his tobacco crop in 39 (1939).

Edgar wouldnt leave. He said I fight dady (daddy) every day before he take my crop. Edgar said after this year he can have the farm so Edgar and Frank Davis both left in 40 (1940). Now here it is a Negro have shot a white man. Thomas Younger was with me. Got off the truck going over to Curtis Williams. Naturly the law got them. They scared like I would have been or any other Negro is liable to say any thing. Also Henry staying there with Davis so they lied like a dog.

Thomas Young & Curtis told I said I was going to kill Mr. Davis. I never told nether one that. Henry eating from Mr. Davis table he had better tell a lie on me for Mr. Davis if he now (knew) what was best. Even the law questioned Archard Waller Birk Fitzearld the boy driving the truck. They diten lie.

The law come an got my mother and wife an carried them to Chatham. Kept them up there in the night it wouldnt have surprised me if they hadnt told a lie on me threw (through) fear of the law. Thank God they diten tell a lie.

"The Good Book says a lie is the worst thing a person can tell so I no lies was told on me. They no they lied and God no they lied so in the great day God will say you fellows liked on Odell Waller so I appreciate every effert (effort) the people put forth to try to save me. It is a none (known) fact man is the ruler over earth but God is the ruler of all. Man can say Odell you must die at a certen (certain) time then God can call man an say you must die.

"Refering to my caricter (character) when I started to violate the laws of the land I was farming working part time day an night trying to make something. During the year I bought a car. One time the end of the year I diten have any thing to pay for it with the man was going to take it back. I wanted to keep the car. I diten believe in robin (robbing) and steeling so I bought 2 gallons of whiskey from a fellow & gave him $5.00 for it.

I sold that at 50 or 60c per pint took that money and bought some more. When I sold that I made a little payment on the car. I kept on bying an selling paying on cars. That got me that rep (reputation). As the avage (average) boy do I wanted to ride fast. I was pulled my permit took. I waited the time out and went to the motor vehicle man for another permit. He told me I would have to put up a $10,000 bond before I could get another permit.

Where were I going to git the money Rob a Bank. I wasnt thinking of nothing like that so I drove some without a permit. I was caught for that. One Sunday I put a razor in my parket (pocket) to carry it to a friends house to have it sharpened. I got on a car with some more boys and we went by to see a boy had been in a fight that Saturday night. Me an some more boys was out there in the yard cutting some fire wood for the sick man during the time Mr. Hubard Bailey O another officer drove up to the house with the boy who cut the sick boy.

When Mr. Baley got out of the car I thought about the razor I had in my parket. It was an old car sitting at the wood pile. I droped (dropped) the razor in it. The other officer saw me. He said get that gun that fellow put in the car. I rached over an grabed the razor out of the car an out run Mr. Baley. Several weeks after that I was at Chathom to a tent shoe (show). Mr. Baley had told the town law when they caught me up there to lock me up so they did.

When I was runing across the field I passed a briar patch and thrue the razor in it. Mr. Baley couldnt catch me an he went back an got the razor. My father was at the trial and told them it was his razor an why I had it. They gave it back to father all right. When I was tried Mr. Joseph Whitehead commonwealth attorney called Mr. Bailey county officer to testifie against me. This is the last man should lie. Here is what he said Odell Waller was a bootleger that was true Odell been caught reckless driving an after his permit had been taken caught carry a razor he is a dangous boy. The judge said what about him dangerous. With the best respects to Mr. Baley here is where he lied.

Odell threten him with gravels from my feet running. (All of that to make it hard on me all I could do was set there an take it.) You take big people as the president governors judge their children will never have to suffer. They has plenty money. Born in a mention (mansion) nothing to never wory about. I am glad some people ar that luck.

"The penitentiary all over the United States are full of people ho (who) was pore tried to work and have something couldnt dos (do) that maid them steel an rob. Look at that fellow here he wanted a bicycle his people was to pore to buy him one. To get a bicycle he kills a man wife an dauter to get the money. Look at the Lees bug (Leesburg) case those fellows killed that lawyer an took his car. They were looking for money they were. While they are in prison for life thats what happens to the poor people. I wont say any more."

(signed) "Odell Waller."

Journal and Guide
Norfolk, Virginia

The Waller Case

GOVERNOR Darden's disposition of the Odell Waller case has met with no criticism in Virginia. Our citizens have the feeling that the Governor made a conscientious decision, after long and painstaking study, climaxed by an all-day commutation hearing.

In making his decision Governor Darden followed the law, the evidence and the facts in the case, as revealed at the trial of the case, plus his own personal efforts to check on these and to arrive at the right decision.

The prolonged ventilation given the case no doubt served a good purpose. For reasons wholly beyond Governor Darden's control, his refusal to commute Waller's sentence to life imprisonment, was not a vindication of Virginia justice.

It still remains true, as the Journal and Guide has frequently asserted, that it is seldom that a Negro receives justice in a Virginia court, when the party on the other side is white.

In substantiation of this, it should not be overlooked that some of the most important citizens in the State joined in petitioning the Governor to commute the sentence on the grounds that a life term would serve the ends of justice. Among these petitioners was Dr. John Stewart Bryan, Richmond publisher and president of William and Mary College.

There was another striking incident during the commutation hearing which should arrest the atten-

tion of those who believe that Virginia justice is infallible. Judge Clement, who tried the case, had written letters to the Richmond Times-Dispatch and to the New York Times, while Governor Darden was considering the case, in which letters, in the words of one of Waller's attorneys, he assumed the role of prosecuting attorney, and "debased the judiciary of the State."

This statement was not made by a New York lawyer or a lawyer identified with any radical organization, but was made by Mr. Edmund Preston, one of the most able and respected attorneys practicing in Richmond.

It was brought out also during the commutation hearing that the law officers of Pittsylvania county wanted Waller electrocuted, not only because he had killed Oscar Davis, but because they felt that a commutation would give Negroes throughout the State and Nation the feeling that they had won a victory.

We don't know how far Waller's defenders would have gotten with the United States Supreme Court on the poll tax question, but he missed the chance to get a new trial on this issue when the Supreme Court ruled out his plea upon a pure technicality. Because the original trial lawyer made an error, which more experienced lawyers later sought vainly for a chance to correct, Waller is dead. Had this opportunity been granted by the Supreme Court his execution would at least have been delayed, and a new trial might have brought a different verdict.

The case, now passed into history, is one in which Virginia justice can take little comfort.

Washington Tribune
Washington, D. C.

Execution of Waller to Be Memorialized Sunday

JUL 11 1942

The execution of Odell Waller, Virginia Negro sharecropper, executed last week for killing his landlord in an argument over their crop shares, will be memorialized at a meeting Sunday, July 12, 3 p. m. at the Asbury Methodist Church, 11th and K Streets, N. W., and will be under the joint auspices of the Workers Defense League and the National Association for the Advancement of Colored People.

Speakers will include John F. Finerty, chief of Waller's counsel, James B. Carey, national secretary of the CIO, Layle Lane, vice president of the American Federation of Teachers, AFL, and Colden Brown, associated with the Negro March on Washington Movement.

The Waller case, for almost two years, stirred national interest and more than 20,000 persons, in the weeks immediately preceding his execution, communicated to Colgate W. Darden, Governor of Virginia, requests that his sentence be commuted. The Governor, however, refused to intervene.

Counsel for Waller twice requested the Supreme Court to intervene on grounds that non-poll taxpayers had been systematically excluded from jury lists and that Waller had not been tried by a jury of his peers.

A last minute petition to the President to establish a Commission of Inquiry in the case was signed by more than 600 prominent citizens, including Carrie Chapman Catt, Mrs. Calvin Coolidge and Philip Murray.

Chicago Bee
Chicago, Illinois

Flay Communists About Odell Waller Case

WASHINGTON, July 9—(ANP)—The special committee, which arrived here Wednesday seeking Presidential intervention to save the life of Odell Waller, failed to gain an audience with the President, and the 25-year-old sharecropper went to his death in Virginia on Thursday, July 2.

The committee, representing over 600 signers of a petition for a Presidentially appointed commission of inquiry, was, it was reported, referred by the White House to the Department of justice, where the group conferred for more than an hour with Wendell Berge, assistant attorney general in charge of the criminal division, and with Victor Rottman, head of the civil rights bureau.

It was thought that Mr. Berge would convey to the President the views and statements of the committee and report any conclusions of Mr. Roosevelt in the matter. Mr. Berge, however, declined to say what transpired at the conference or later, except that the committee declared it would be a "national calamity" if Waller was executed "when millions of his fellow citizens are convinced that he was not tried by a jury of his peers."

A full-page petition printed in a local newspaper on Wednesday stated that Presidential intervention would "help restore the badly shaken faith of our Negro minority in the American democracy."

Those comprising the committee were: A. Philip Randolph, president of the Brotherhood of Sleeping Car porters and national director of the March-on-Washington movement; Frank R. Crosswaith, chairman of the Negro Labor committee; Frank Reeves, NAACP; Miss Layle Lane, vice president of the American Federation of Teachers, A.F.L.; Elmer Carter editor of "Opportunity"; Dr. Channing H. Tobias, national council of the YMCA; Mrs. Mary McLeod Bethune, president of Bethune-Cookman college; and Albert Hamilton, National Defense league.

Charleston, S. C. News & Courier
June 24, 1942

As to "Peers" on Juries

A great city newspaper, an intelligent newspaper too, The New York Times, is one of those excited about the conviction of Waller, a negro sharecropper, by a jury in Virginia. Waller killed the tenant farmer who employed him in quarrel about division of a crop. The Times, apparently, is one of those who hold that, because on the trial jury were no sharecroppers and persons who had neglected to pay their poll taxes, Waller was not tried by a jury of his "peers".

This question is respectfully put to The New York Times, and whether it evoke reply or not, it will lay bare the kind of editorial reasoning into which it may sometimes drop:

In New York women may serve on juries. In New York are some women, relatively few, who are members of "the oldest profession". Were one of these to kill another person in a quarrel over money arising from a transaction relating to the "profession", and to be tried and convicted by a jury with no members of the "profession" among the twelve, would The New York Times proclaim that she had had no fair trial because her "peers" were excluded from the jury?

Non-payers of poll taxes and sharecroppers may be, usually are, respectable persons. There is no reflection herein upon them.

Exclusion from jury service carries with it no element of taint or disgrace. The sole reflection is upon the reasoning of The New York Times. It has reduced itself to the absurd.

Washington Post
Washington, D. C.

Waller Protest Meeting Is Dispersed

Police broke up a meeting of the Northeast Branch of the District Communist Party last night by arresting the speaker, George Kauffman, 31, of 1335 Saratoga Avenue Northwest, on charges of holding an open-air meeting without a police permit.

Kauffman, addressing a street gathering at Seventh and L Streets Northwest, was protesting the recent electrocution in Richmond, Va., of Odell Waller, Negro sharecropper, for the murder of a white farmer. The gendarmes rudely interrupted his discourse.

Daily World
Atlanta, Georgia

Waller Death Appeal Jan. 12

JAN 7 - 1942

High Court To Receive Petition

RICHMOND, Va. (ANP) — The supreme court of appeals of Virginia will receive formal petition on January 12 for a writ of habeas corpus for Odell Waller, young Negro sharecropper sentenced to die for the self-defense shooting of his white landlord. Recently Governor James H. Price stayed Waller's exceution till March 20.

John E. Finerty and Thomas H. Stone, WDL attorneys handling Waller's appeal have revealed that the petition constitutes a new attack on the constitutionality of the poll tax as a qualification for voting, and that it presents proof that non-payers of poll taxes are systematically barred from jury lists and from grand and petit juries in Pittsylvania county, where the Waller trial occurred. It has been the contention of the Workers Defense league that Waller did not receive a fair trial by a jury of his peers inasmuch as the jury that condemned the sharecropper was composed of ten land owners, one businesses man and one skilled worker, all white, all poll tax payers.

JAN 7 - 1942

Chicago Defender
Chicago, Illinois

SHARECROPPER EXECUTION SET UP TO MAY 19

MAR 28 1942

Gov. Darden Commended By Workers' Defense League For Stay

RICHMOND, Va. — Gov. Colgate W. Darden Jr., of Virginia has granted a stay of execution to Odell Waller, 24-year-old Negro sharecropper of Gretna, Va., who had been sentenced to die March 20 for the shooting of his planter landlord in a dispute over crop shares. The stay was to May 19.

The stay was granted by Governor Darden on March 11, after he had received the printer's proofs of Atty. John F. Finerty's petition to the Supreme Court of the United States for a writ of certiorari.

The governor was warmly thanked for his action by the Workers Defense League, national labor defense agency with headquarters at 112 East Nineteenth street, New York City, which is handling the sharecropper's appeal for a new trial.

The league's letter of thanks to Governor Darden declared that the organization was "deeply grateful for the stay of execution," and appreciated the governor's recognition of the "important issues involved in Odell Waller's appeal to the nation's highest court."

Odell Waller was originally convicted in 1940. With the aid of the National Association for Advancement of Colored People and the Brotherhood of Sleeping Car Porters, the case was appealed to the Virginia supreme court, which upheld the conviction, despite the plea of self-defense and the argument that a jury composed of poll-tax-payers exclusively was unconstitutional.

MAR 28 1942

An application made to the same court for a writ of habeas corpus, based on proof that non-poll-tax-payers were barred from service on grand and petit juries in the state, was denied, and the present appeal to the U. S. Supreme Court is for a review of the Virginia court's dismissal of the petition for habeas corpus.

John F. Finerty is being assisted in the appeal by many league attorneys, including Morris Shapiro, W.D.L. national counsel. To get a writ of habeas corpus from the land's highest court, the attorneys are expected to argue that "due process of law" requires a jury include all classes of the population; they will probably also point out that when Virginia in 1902 put in its constitution that no one could vote without paying a poll tax, the state violated a federal law of 1870.

This law forbade Virginia (as a condition of her re-entering the union) to take away the right to vote from any class of citizens which then had that right.

A favorable decision by the U. S. Supreme Court on his last point not only would democratize the jury system in the South, but would also imply that any Virginia citizens could claim the right to vote, and enforce it in court on the ground that the Virginia law conflicts with the federal law. Thus the Waller case may lay the basis for knocking out the entire poll tax system.

Chicago Bee
Chicago, Illinois

The Odell Waller Case

MAR 29 1942

ODELL Waller was given another chance at freedom last week when the governor of Virginia extended the date of his execution to allow the Supreme Court of the United States to review the case.

The Workers' Defense league, the Waller Defense committee, the NAACP and other organizations interested in the cause of the sharecropper who had the courage to kill his landlord in self defense have through legal counsel raised a point which proposes to test the constitutionality of the poll-tax system.

In Virginia a poll tax law said that Odell Waller could be tried only by persons who had paid their poll taxes. Whether this group constituted "members of his peers" or whether it did not was not the subject of that law. It is obvious, therefore, that if only bankers were able to comply with the law, then only bankers could pass judgment on the guilt or innocence of a sharecropper.

The low income of the people in Virginia, which is prevalent in other states throughout the poll tax states, prevents the common man from serving on juries. Then, if a large part of the population of the state is prevented from serving as jurors it is evident that something is lacking in the judicial process of that state. It is obvious that a jury trial is a mockery of justice. No longer can a poor man be tried by a jury of his peers when his peers are made ineligible to serve by the economic oppression of those who are in possession of the wealth. In such case democracy is only a word "full of sound and fury signifying nothing."

MAR 29 1942

If the Supreme court determines the case on the merits of the legality of the poll-tax law rather than on a technicality as to the procedure we are likely to be given some interesting law with respect to our democratic form of government.

The Odell Waller case is a test of our democracy. It is a test as to whether in this country a man can be given a fair and impartial trial by persons who are without means to pay exorbitant prices for justice. It is a test as to whether a Negro can expect justice according to the laws of this country.

The decision should go beyond the pale of the laws of a particular state. The theory of state's rights should not be applicable to give any state the go-sign to ignore the basic principles of democracy.

The lovers of freedom and justice, liberty and equality will watch with interest the Odell Waller case and will view it as one of the significant cases in the long fight for the principles expressed in the organic law of the land.

Richmond, Va., Times-Dispatch
April 15, 1942

1601

Voice of the People

In Defense of Waller

Editor of The Times-Dispatch,
Sir:

In your editorial of March 21, 1942, on the case of Sharecropper Odell Waller, you are highly critical of the letter which Miss Sarah Cleghorn, of Arlington, Vt., wrote to the New York Herald-Tribune. There are, it is true, some unintentional inaccuracies in her letter, which we regret, as does she, but we feel the overall impression which the letter gave was a correct one. In any event, such inaccuracies as there were did not affect the basic question whether Waller is entitled to trial by a jury of his peers. It was on this question that the New York Herald-Tribune based its editorial favoring a review of the Waller case by the Supreme Court.

You write, referring to Miss Cleghorn's letter:

"Nowhere is there a single hint that Oscar Davis, the slain farmer, was unarmed at the time of his death, or that he was shot twice in the back by Odell Waller."

The only testimony either that Davis was shot in the back or was unarmed is of a highly questionable nature.

The testimony that he was shot in the back is the hearsay testimony of his son, Frank Davis, who did not witness the shooting, and of an 18-year-old colored boy, Henry Davis, then in the employ of Oscar Davis and still in the employ of his family.

Frank Davis testified that his father said to him in the hospital the day he was shot:

"Frank, I am going to die. Odell shot me without any cause. He shot me four times, twice after I fell."

This testimony of Frank Davis was purely hearsay and only admissible because supposedly a dying declaration of his father. On cross-examination, Frank Davis could not remember another word that his father had said during the entire hour's period he was with him. Judge Clement himself said, in admitting that testimony:

"The only thing I can say is that the meagerness of the testimony would tend to discredit the testimony for lack of details leading up to it. I suppose that is a question for the jury to consider as to the weight to be given to it. I think it is admissable." (Record p. 106).

Henry Davis, who was the only eyewitness to the shooting, did not directly testify that Oscar Davis was shot in the back, though that would perhaps be a fair inference from his testimony.

However, the entire testimony of Henry Davis is wholly incredible, purporting to show that Odell Waller shot Oscar Davis without a cross word between them, and after Oscar Davis had agreed to send Waller his part of the crop. In fact, the testimony of both Frank Davis and Henry Davis gives every appearance of having been coached.

The only reasonable deduction from the testimony of Odell Waller and from the physical facts is that Waller first shot Davis while Davis was facing him, hitting him in the right side of the head and in the arm: that either the shock of these bullets swung Davis around, or that Davis turned in attempting to escape, and was then shot in the back.

Similarly, the testimony that Oscar Davis was unarmed is open to question. This testimony is that of the same Henry Davis, and of Oscar Davis' wife and two sons. These obviously were not impartial witnesses, and even the judge expressed his doubts as to the testimony of the two sons in other respects. Furthermore, the question is not whether Oscar Davis was actually armed, but whether Waller had reasonable grounds for believing him to be armed. Waller testified that he did so believe.

No one can read the record in the Waller case, unsatisfactory as it is, without coming to the conclusion that the same poll tax jury which sentenced Waller, a Negro sharecropper, to the electric chair, would, on the same evidence, probably have found a white landowner not guilty on the ground that he shot in self-defense.

We are happy to note that in your editorial of March 27 you say that "If the killing was not premeditated, and he really did shoot in 'self-defense,' the death penalty is far too heavy."

It is our belief that the killing was not premeditated; also how account for the group of witnesses Waller brought with him? We further believe that Waller's self-defense testimony is credible according to the facts, whereas the testimony of young Henry Davis that Waller just up and shot Davis without a cross word passing between them, after being promised his wheat, is wholly incredible.

Southerners have pointed out to us that the status of the Negro in the South is such that when called on to testify in court, a Negro may feel constrained to say what he thinks he is expected to say. Therefore, when the testimony of an 18-year-old Negro still in the employ of the family of the deceased, is, as is that of Henry Davis, wholly incredible, we question your right to accept it as true. We believe one should take into account and should recognize the feeling of a Negro in a courtroom where the judge, the prosecutor, the jury, all are white, all representatives of a group which rules his job and life, and should recognize the probable cause of testimony such as that of young Henry Davis.

It is our belief that if, as you recommend in your March 27 editorial, a jury containing "members of both classes of society involved in the conflict" heard the Waller case, the verdict would be different. Therefore on April 1 our attorneys—all of them serving without fee—filed their petition to the Supreme Court of the United States for a review of the Virginia Supreme Court's denial of a writ of habeas corpus to Odell Waller. That is the principal question before us: the right to a trial by a jury of one's peers, not one selected from lists of poll-tax payers. ARON S. GILMARTIN,
Vice-Chairman Workers Defense League.
New York City.

[Editor's Note: John F. Finerty, attorney representing the Workers Defense League, has written this newspaper: "It is true that medical testmony shows that Davis had two wounds in the back." There is no testimony that Davis was armed at the time he was killed.]

Daily World
Atlanta, Georgia

Waller's Plea Turned Down By Supreme Court

MAY 5 - 1942

One Chance Remains To Save Doomed Man

WASHINGTON, D. C.—(SNS)—Supreme Court of the United States Monday turned down the application for writ of certiorari filed by Workers Defense League Attorneys in case of Odell Waller, young Negro Virginia sharecropper condemned to death for shooting his white landlord in an argument over crop shares nearly two years ago. Execution is set for May 19 unless Governor Darden of Virginia commutes sentence.

Waller was first sentenced to die December 27, 1940, but successive appeals saved his life. Now the last chance for a new trial depends on the application for writ of habeas corpus which John F. Finerty, WDL attorney is preparing to file before U. S. Supreme Court.

In his trial Waller pleaded self-defense and said that the landlord had kept his part of the crop. In successive appeals WDL attorneys charged that Waller was not tried by a jury of his peers and that in fact only poll-tax payers were called on the petit jury which indicted him and the jury which tried him. In addition, they charged that most of the jurors who tried waller were landlords who employed sharecroppers and were not impartial in a case involving an economic dispute of this kind.

PUBLIC APPEAL

MAY 5 - 1942

Appeal was made here to the public to write or wire Governor Darden, Richmond, Virginia, to commute the sentence by Frank McCallister, southern secretary of the WDL.

McCallister said: "It will be a great tragedy if this young Negro is executed growing out of a dispute over crops and involving an economic and social conflict where the accused was not accorded a trial by a jury of his peers, a privilege to which all Americans are entitled. May I urge that all believers in justice write at once to Honorable Governor Darden, Richmond, pleading with him to commute this death sentence. We have only until May 19 to save Odell Waller's life. Do your part by appealing to the Governor of Virginia without delay. Get your club or organization to do the same."

33-1942
Amsterdam News
New York, N. Y.

Threaten to Bury Odell Without Opening Casket If Whites Came to Rites

'Next Time Sharecropper Asks for His Crop, Farmer'll Think Twice' –Tinsley

RICHMOND, Va. (Special).—"Virginia will be a better place to live in because Odell Waller lived and fought for justice here," Dr. Charles Tinsley, president of the Richmond N. A. A. C. P., declared in commenting on the death of the young Negro to Morris Milgram, secretary of the Workers' Defense League. "Next time a sharecropper asks for his crop, a farmer will think twice before he refuses," Dr. Tinsley further stated.

GRETNA, Va. (Special).—Two thousand Negroes jammed and overflowed Fairview Baptist Church Sunday to pay their last respects to Odell Waller, who was executed July 2 for the death of his white landlord, Oscar Davis. All whites but one were barred from the church.

Trucks, mule-driven wagons and vehicles of every description cluttered the Patrick Henry Highway which led to the little church where the ceremonies for Waller were held with four ministers officiating.

Men, women and children packed the pews, crowded the aisles, and hung out of the windows of the little church which was built to accomodate only 150 people.

Only One White There

Only one white man, Morris Milgram, national secretary of the Workers' Defense League was allowed to enter the edifice. A reporter from the Danville Register (which had clamored loudly for Waller's death) was barred from the church. A State trooper stood so far away from the crowd he could not be seen.

The mourners declared they would never open the casket if a single local white person was allowed to enter, because they did not want "Odell Waller's murderers" to look on his face in death.

Miss Layle Lane, New York school teacher who had been a member of the delegation that went to Washington in an effort to see President Roosevelt and ask him to grant Waller a stay, represented A. Phillip Randolph. Mr. Randolph has been tireless in his efforts to save the young sharecropper.

The Rev. J. R. Redd, of Danville, moved the audience when he said: "I've come to tip my hat to Odell Waller. He died for me, too. He died for his democratic rights. He died for democracy, the same democracy the United States is supposed to be fighting for. I thank you, Sir (he bowed to the casket), for giving your death for me and for all Negroes."

Feared Reprisals

The Rev. Robert Gilbert, pastor of Fairview Baptist Church, fearful of reprisals by the local whites, refused to read Waller's last statement, but allowed Miss Lane to do so.

As Miss Lane read the moving document, the crowd gave vent to its grief and outrage. Miss Lane then explained what the March-On-Washington Movement meant to the Negro and led the crowd in singing "We Negroes Are United, We Will Not Be Moved!"

Morris Milgram spoke of his futile efforts to save Waller and declared that he had come to pay his respects to Odell Waller and to say he was ashamed of his race for having "crucified" the young sharecropper.

Mrs. Annie Waller, foster mother of Odell Waller, followed the casket to the cemetery where the grave was decorated with flowers that friends and relatives had picked from their gardens and the surrounding fields.

VIRGINIA

Richmond, Va., Times-Dispatch
June 17, 1942

Not a Sacco-Vanzetti Case

An Editorial from the Norfolk Virginian-Pilot

THE Workers Defense League's "emergency appeal" for contributions to carry on the fight to save Odell Waller from Virginia's electric chair is signed by many eminent and sincere champions of justice—persons like Bruce Bliven, John Dewey, Arthur Garfield Hays, Freda Kirchwey, Bishop Francis J. McConnell, Reinhold Niebuhr and Oswald Garrison Villard. It is reminiscent of the celebrated fight 15 years ago to save Sacco and Vanzetti, who had been sentenced to death in Massachusetts for the South Braintree murders of 1920. That case echoed around the world. Among the eminent voices raised in their behalf were those of Felix Frankfurter and Edna St. Vincent Millay in the United States, and Romain Rolland, George Bernard Shaw and Albert Einstein in Europe.

Let it be said at the outset that the Waller case is not another Sacco-Vanzetti case. In the case of the convicted and later executed Massachusetts radicals, guilt was established by reference to circumstantial evidence that left many points in doubt. Waller's murder of his white landlord, Oscar Davis, presented to the Pittsylvania County jury that convicted him in September, 1940, only the question of premeditation—whether it was the calculated kind of slaying that made it murder in the first degree. The jury sentenced him to death. He will die in the electric chair next Friday unless the execution is stayed by a court order, or unless Governor Darden commutes his sentence.

The *Virginian-Pilot's* view of the course to be commended to Governor Darden, if the latest appeal to the Fourth United States Circuit Court of Appeals proves as barren of results as the earlier appeals to the Supreme Court of the United States, has already been stated in these columns. We believe the ends of justice will be served if Waller's death sentence is commuted to one of life imprisonment. There is nothing in the evidence, as we recall it, to suggest any basis for the plea of self-defense. Waller committed murder. In the strict legal sense, it was murder with malice aforethought.

The mitigating factor lies in a depth of human behavior which juries cannot easily plumb but which the Governor can. The illiterate Negro sharecropper and his white landlord had quarreled over a division of crops. When he set out to kill, Waller was consumed by a passionate resentment against a fancied act of injustice. Real or imagined, this injustice poisoned his mind and the poison impaired his responsibility. . . .

Too much has been made of the poll tax issue in this case, beginning with the mistaken assumption of many distant critics that Virginia law limits jury panels to poll tax payers, and concluding with the dubious thesis that trial by a jury of one's peers means trial by a jury composed of persons comparable with the accused in poverty and social status.

But that social and economic maladjustment, in its peculiar Southern racial implications, was a mitigating factor in this legally-defined first-degree murder, we have no doubt. We commend that consideration to Governor Darden as he confronts, for the first time since taking office, the question of another man's life or death. It is worth his further consideration that under Virginia law death and life imprisonment are optional penalties for first degree murder, and that if he decides to commute Waller's sentence to life-imprisonment he will do no more than the jury had the right to do and could have done without violence to the punishment which the State has prescribed.

Richmond, Va., Times-Dispatch
June 29, 1942

The Waller Hearing Today

THE commutation hearing today at the Capitol for ODELL WALLER, the Negro sharecropper who faces the electric chair, brings to a climax one of the most widely publicized criminal cases in Virginia's annals. Nothing that has occurred, no argument that has been advanced since we called editorially on June 14 for commutation, has changed our conviction as to the desirability of executive clemency in this case.

We believe there are pertinent facts which were not brought out at the trial. And to say, as some do, that the United States Supreme Court and the other Federal courts found nothing in WALLER'S trial to justify intervention is misleading, since CHIEF JUSTICE STONE refused on the technical ground that the constitutional issue had not been properly raised in the lower court.

Without in any sense intending to criticize the Pittsylvania Circuit Court or the jury which tried WALLER there, we feel that the atmosphere surrounding the trial was not conducive to an objective hearing of the evidence. The type of radical representation which WALLER had was calculated to prejudice the jury from the start. The Revolutionary Workers' League, with headquarters in Chicago, an admitted Trosky-ite organization, represented the defendant. Such bodies of professional agitators are apt to make any jury unconsciously antagonistic. A league official testified "in broken English" that he had heard three persons in the community say that WALLER ought to be hanged "because he's got Communist lawyers."

Another reason why we are doubtful as to the death sentence lies in the difficulty we have in believing the testimony of the chief prosecution witness, HENRY DAVIS, an 18-year-old Negro. Here is DAVIS'S testimony verbatim:

"ODELL come up there on a truck and ODELL got out, spoke to MR. DAVIS and said he come after his wheat. MR. DAVIS said: 'After we finish threshing if I can't get nobody else I will get HENRY to bring it,' and we walked on towards the house. MRS. DAVIS was fixing breakfast and then ODELL shot him twice."

In other words, we are supposed to believe that although no cross words passed between them, and although OSCAR DAVIS promised immediately to send WALLER the wheat, WALLER shot him in the back as he walked away. It just doesn't make sense.

On top of our serious doubts as to the validity of such testimony, doubts which alone seem to justify commutation to life imprisonment, there is the far-reaching character of this case, and the impact which WALLER'S electrocution will have throughout America and in foreign lands. Colored peoples in both hemispheres will believe, whether rightly or wrongly, that Negroes do not get justice in America, if WALLER goes to the chair. In that event, the Axis can be counted on to make the most of the electrocution, and to use it with particular effect in China and India, and throughout the Arab world. This is no local issue, but a cause of international dimensions.

GOVERNOR DARDEN will be justified in commuting the sentence on the basis of the not altogether convincing evidence, but he is doubly justified in doing so by virtue of the fact that a commutation will strengthen the Allied front, not only here but beyond the seas.

Richmond, Va., Times-Dispatch
June 20, 1942

The Case of Odell Waller

An Editorial From the Roanoke World-News

ODELL WALLER, Negro farm hand, killed his employer, Oscar Davis, white Pittsylvania tenant farmer, in 1940. The chief point before the jury was whether the killing was premeditated. If the two men got into a fight in which one was killed it was manslaughter; if there was deliberate, premeditated purpose to kill it was murder. The jury found the crime to have been committed "with malice aforethought," convicted Waller of murder in the first degree and he was sentenced to die in the electric chair. The Virginia State Supreme Court has upheld that verdict.

Pressure on Governor Darden comes from two sources, a radical element from without the State seeking to make a sensation; and a more responsible element within and without the State not satisfied that full justice has been done, and that wishes to see the case re-examined. The first group is issuing an emergency appeal for funds to carry on the fight. The second group contains many distinguished and sincere champions of justice.

The Norfolk *Virginian-Pilot*, after examination of the record, expresses the belief that the ends of justice will be served if Waller's death sentence is commuted to one of life imprisonment. It finds no basis for a plea of self-defense. There seems to be no doubt that Waller killed his employer. The mitigating circumstances include factors which the Governor can properly consider but which a jury could not. Of the essential facts there seems no question that an illiterate Negro and his landlord, only a little less illiterate, quarrelled over a division of the crop, and that Waller was resentful over what he considered an act of injustice.

The New York *Times* points out that Waller was tried by a jury of white men, 10 of them farmers employing sharecroppers, and emphasizes the fact that no Negro and no man of Waller's economic status served on the jury. A great deal of emphasis has been placed on the statement that the jury list excluded all but poll tax payers. The *Times* continues:

"What is involved here is more than the guilt, or degree of guilt, of one prisoner, or the acts and character of the man who died. Poor Oscar Davis was himself a tenant farmer, hard-pressed by his own landlord. His wife had been sick, adding to his worries and expenses. The responsibility, in part, goes much further back. It lies upon the poll tax evil, the sharecropping system and the exhaustion of the soil which keeps so many Southeastern farmers poor. . . . If Governor Darden grants the desired commutation, he will be helping his country's reputation among all the dark-skinned and yellow-skinned peoples. Time will then remain for an examination of heretofore obscured details and for a fairer apportionment of individual and general blame."

Nothing in Virginia law limits jury panels to poll tax payers. And it would be difficult to maintain the thesis that trial by a jury of one's peers means a jury of comparable social and economic status or of equal poverty. But both poverty and the maladjustments of a share-cropping system present factors Governor Darden may well consider. Commutation of sentence to life imprisonment would seem to meet the ends of justice in a case where there has already been too much misstatement of fact and too much of outside interference.

New Masses
New York, N. Y.

Murder-by-Poll-Tax

ODELL WALLER was not snatched out of a jail and strung up on a tree. He was lynched with formality, in an electric chair, and in accordance with an old bourbon custom as effective as swamp hangings. That custom is trial-by-poll-tax. Two years ago Odell Waller, a Negro sharecropper of Virginia, was convicted of killing a white landlord who had cheated him out of his share in a wheat crop. In the jury that tried him there was not a single Negro, not even a "poor white." They were not allowed to serve on the jury—the only persons eligible for such service were those who had paid Virginia's poll tax. Waller was sentenced to death, but the national protest impelled two Virginia governors to grant him five reprieves. Governor Darden, however, even after a fifteen-hour hearing on the case, refused to commute his sentence to life imprisonment: Odell Waller was executed on July 2.

What cheering news for the Axis, that another American Negro has been lynched. Adolph Hitler now has the satisfaction of knowing that the poll tax is a double weapon in his cause. Not only does it keep in power Martin Dies, Howard Smith, and their friends—but it operates against democracy in the courts also. In the case of Odell Waller, the poll tax was powerful enough to withstand protests from Philip Murray and William Green, from clergymen, civic leaders, some of the best known people in America. President Roosevelt, who has evidenced a real desire to stop jim-crowism in war industry, still refused to heed all pleas to intervene in the Waller case—although it is inseparable from the whole jim-crowism pattern.

Yet there is available an immediate way to abolish this wrong against democracy: by passing the Pepper-Geyer bill, which forbids the poll tax in federal elections. Pressure can, and must, be brought on Congress to enact this measure. Similar pressure can finally push through the anti-lynching bill. It can end Jim-Crowism in the armed forces, discrimination against Negroes in civilian life. The Waller case did not end with the electric chair—it is too symbolic for that. It is up to organized labor, to all American citizens, to consider and to take action—*now*.

Chattanooga, Tenn., Daily Times
July 20, 1942

NEGROES WRITE F.D.R. 'SHOWDOWN' IS NEEDED

NEW YORK, July 19 (AP).—A group of Negro leaders declared today in a letter to President Roosevelt that the recent execution of Odell Waller, Negro sharecropper, had intensified determination for a "showdown" on the question of total democracy for the Negro.

Signers of the letter were headed by A. Philip Randolph, international president of the Brotherhood of Sleeping Car Porters, who declared that the "showdown" could not be held back long "by leaders who use the bargain and compromise method."

The execution of Waller, convicted of killing his white landlord, unleashed "barbarous forces" with the result that within two weeks two Negroes were lynched and the noted Negro tenor, Roland Hayes, and his wife were beaten and jailed at Rome, Ga., the letter said.

33-1942
Nation
New York, N. Y.

Odell Waller

TO MANY persons Odell Waller was just a man who had committed murder under somewhat extenuating circumstances. For such persons Waller's death, as the New York *Times* suggests, marks the "end of a chapter." A crime was committed and the appropriate penalty was exacted. But for thousands of other persons Odell Waller was a symbol of the faults which lie deeply imbedded in American democracy. The fact that Waller was both poor and a Negro made his case symbolic of the struggle of the under-dog in our society and—more especially—of racial discrimination. For this group his death does not mark the end of a chapter. Instead, it obstructs the solution of some of our most grievous social problems. It causes division in our ranks at a moment when unity is essential.

When, as a result of technicalities, all legal recourse was blocked, we hoped to see the sentence against Waller commuted on purely humanitarian grounds, and we think Governor Darden made a grave mistake in sending him to his death. There was at least some reason to believe that the share-cropper killed his landlord in self-defense, and there was even better reason to question the fairness of the trial. He was convicted by a jury made up, in accordance with Virginia practice, only of poll-tax payers; as a consequence Negroes and share-croppers were automatically—though not legally—excluded, and it had been argued that Waller was therefore judged not by a jury of his peers but by men drawn from a higher economic level. As a matter of fact, all but two members of the jury were landowning farmers like the man he killed. Although the Supreme Court had refused, on purely technical grounds, to review the case, it was widely felt, especially among Negroes, that the Waller conviction was a bad case of class justice. This feeling linked the trial to the disturbing problem of the morale of America's 13,000,000 Negro citizens.

Negroes have heard the President define our war aim as freedom and democracy for all without regard to race, color, or creed. They have heard, within the past fortnight, an appeal for loyalty from Federal Security Administrator McNutt. Yet almost every day they read in their papers of some new indignity imposed on a member of their race by white men. Negro soldiers are beaten up in the South because they happen to offend some white person. Despite the President's Fair Employment Order, Negroes are barred from decent jobs not only in the war industries but in the government itself. They are barred from restaurants, hotels, and the better residential sections of most cities. In some instances, as in the case of the Red Cross blood bank, offense seems deliberately intended. And even where the bars are beginning to be let down, as in the navy, Negroes are often warned that the change is a result of war-time necessity and is not permanent.

With Japan making a bold bid for the solidarity of the colored races against "white imperialism," one would think that as a matter of essential strategy, if for no better reason, official Washington would be making every effort to strengthen Negro morale. McNutt's speech for the Negro Labor Victory Committee in Harlem indicates that at least some officials are deeply concerned over the situation. But the time has passed when Negroes are likely to be impressed by speeches or promises. They see that the government still discriminates against them in federal jobs, in the army, the navy, and the Marine Corps. And they attach great importance to cases like that of Waller.

As McNutt pointed out in his Harlem speech, we are today fighting two wars—one abroad, the other at home. When Odell Waller died we lost a battle on the home front.

New Republic
New York, N. Y.

From The New Republic Mail Bag

Two Southern correspondents took issue with the statements and the point of view expressed by Thomas Sancton in his article "The Waller Case" in the issue of July 13. C. S. Johnson, of Jacksonville, Florida, wrote: "I cannot see how Governor Darden [of Virginia] could have acted otherwise, if he would be true to his oath of office, nor could he be blamed for criticizing racial discord which was aroused"—by intercession in behalf of Odell Waller, a Negro sharecropper executed for slaying his white landlord. Johnson deprecated the use of the phrase "second-class citizen" and expressed the opinion that payment or non-payment of poll tax did not make a juryman blind to justice. G. W. Paschal of Wake Forest, North Carolina, pointed out that Judge J. T. Clement in a statement in The New York Times of June 19 had argued that the Siddle case in Pittsylvania County, involving a white defendant and a Negro victim, was not a "Waller case in reverse." The poll tax, he says, "is not a device invented by barbarous Southern states for the wicked purpose of keeping Negroes from voting and sitting on juries; it is an inheritance from colonial days, when it was, in North Carolina at least, the only tax, and was imposed on rich and poor equally."

An older correspondent in Richmond, Virginia, who mentioned the fact that his father was a transport official in the Confederacy, writes: "Your article on the Waller case expresses fully my feeling on this unfortunate and tragic affair." He requested that his name not be used in connection with the letter.

Lawrence Gracia of San Francisco adds his voice against those who argue that modern warfare has made the capital warship obsolete. "No one weapon is ever totally obsolete or self-sufficient. The capital ship and the broadsword are no exceptions to the above-stated rule." The capital ship could have shown herself still the nonpareil at Dutch Harbor, he writes. "Beastly foggy, do they say? Wonderful! Air power in that soupy fog is at its baldest nadir. Whilst the battlewagon, with the science of triangulation, can blast into and beyond hell at unseen objects."

Peoples Voice
New York, N. Y.

Death of Sharecropper Stirs National Unrest

Odell Waller, disfranchised Virginia Negro sharecropper convicted of first-degree murder by a jury of white poll-tax-payers, was electrocuted Thursday, July 2, at 8:35 am, in the state prison at Richmond. His death brought to an end a legal battle with active support from thousands of American citizens in all parts of the country, from leading newspapers and magazines, from the president of the AFL and CIO, and hundreds of national and local unions, and from the country's outstanding Negro leaders and organizations. Efforts to secure justice or mercy for Waller increased in intensity after the announcement Tuesday night that Governor Colgate W. Darden jr, of Virginia, following an all-day hearing on Monday, had refused to commute the sentence. Wednesday morning, Waller's attorney, John F. Finerty, telegraphed the governor requesting a stay of execution in order to permit Waller to exercise his legal right to appeal to the Supreme Court of the United States for a writ of certiorari. Wednesday afternoon, a petition by many prominent Americans, urging President Roosevelt to appoint a commission to inquire into the case, appeared as a full advertisement in the **Washington Star.** At 1 am leaders, headed by A. Philip Randolph, who had spent the whole of Wednesday attempting to reach the President, were informed that he would neither receive them nor act in Waller's behalf. This refusal signalized the final defeat of the efforts to get Waller a fair trial.

Delegation Meets Rebuff

As soon as Governor Darden's denial of commutation was announced, Randolph, international president of the Brotherhood of Sleeping Car Porters and national director of the March-on-Washington Movement, organized a delegation of Negro leaders to go to Washington and attempt to persuade President Roosevelt to appoint a commission of inquiry in the Waller case. The delegation included, in addition to Randolph, the following members:

Channing H. Tobias of the National Council of the YMCA; Layle Lane, vice president of American Federation of Teachers; Anna Arnold Hedgeman, regional director of race relations, New York area Office of Civilian Defense; Rev. William Lloyd Imes, St. James Presbyterian church, New York; Frank R. Crosswaith, director of Harlem Labor Center and member of New York City Housing authority; Mrs. Mary McLeod Bethune, director of race relations, National Youth Administration; Theodore Poston, War Manpower Commission; Bill Alexander, Office of Facts and Figures; Frank D. Reeves, administrative assistant, Washington Bureau of National Association for the Advancement of Colored people; Dr. Leon A. Ransom, national legal committee of the National Association for Advancement of Colored People; Pauli Murray, special field secretary of the Workers Defense League, and Ralph Matthews of the **Afro-American.**

After a day spent in vain efforts to get an interview, Randolph, as head of the delegation, announced at 1 am, Thursday, July 2:

"'The President and Government of the United States have failed us. Waller's death will 'stab in the back' a group of people who are asked to defend their country, but whom the leaders of their country will not defend. All we can say to American Negroes is 'The President by his failure to publicly put the White House on record in this case has let the Negro down. In failing us the cause of hitlerism at home has been aided.'

"Upon our inability to obtain an interview with the President, Wednesday night, we spent ten hours in the Nation's capital, speaking to representatives of the Department of Justice, of the Vice-President of the United States, and conferring with Elmer Davis of the office of War Information. We made two simple requests to these officials. We asked that these men close to the President, request of him a hearing with the delegation. If that was not possible we asked that they urge the President to issue a public appeal to Governor Darden of Virginia, to grant a stay of execution for Odell Waller during which time a non-partisan commission of inquiry could investigate the circumstances surrounding the conviction of Waller by a poll tax jury.

"Failure to grant a commission of inquiry as was granted in the case of Tom Mooney by Pres. Wilson will be interpreted by 13,000,000 Negroes as a refusal because Waller was a Negro. The Negro people will yet be listened to in the halls of government in Washington. The time will yet come when a Negro life will not be sacrificed on the altar of reactionary politics. As all Americans remember Pearl Harbor, Negro Americans will remember Odell Waller, and we solemnly pledge that he shall not have died in vain."

Discredits Key Testimony

On Monday, June 29, Governor Darden held an all-day hearing on the petition for commutation of Waller's sentence. Acting as volunteer counsel for Waller were John F. Finerty of New York and Edmund M. Preston of Richmond. According to the **Richmond Times-Dispatch,** Governor Darden stated that the main issue was "whether this man is being sentenced to electrocution because he is a Negro."

The only eyewitness to the shooting, the young Negro, Henry Davis, whose testimony had been pivotal in the trial, was cross-examined at length. "After a long siege of questioning," says the **Richmond Times-Dispatch,** Mr Finerty drew an admission from Henry Davis that his original testimony as to two shots having been fired into Oscar Davis's back was based on hearsay."

Mr. Finerty asked Davis: "What would you say if I told you that he wasn't shot in the left arm, the side of the head, and twice in the back?" As Davis hesitated, Finerty asked: "What would you say if I tell you that he was not shot twice in the back, but only in the left hip?" Thereupon, according to the **Times-Dispatch,** "Davis admitted that he had just 'heard 'em say' at the hospital that Davis had been shot twice in the back."

Preston thereupon submitted the official hospital record showing that Oscar Davis had been shot once in the right side of the head, once in the right forearm, and once in the right hip. Governor Darden commented upon the discrepancy between the official record and the testimony given at the trial.

Henry Davis also stated, according to the **Times-Dispatch,** that after the first shot Oscar Davis "grabbed his arm, turned and said, 'Odell, you have shot me without cause.'" Mr. Finerty read the record of Davis's testimony at the trial, which included no reference to such a remark.

The hearing brought out that the Virginia Negro attorney, Martin A. Martin, when attempting to resume an earlier investigation of the jury and poll-tax lists of Pittsylvania County, had been refused access to the lists on order of Judge J. Turner Clement, who presided at Waller's trial.

The sheriff of Pittsylvania County testified that commutation of Waller's sentence would involve public danger. Upon demand of defense counsel for a more specific statement, he declared that certain Negro elements would celebrate the victory by crowding the sidewalks.

A statement by Waller's former employer, Percy Dalton, said that Dalton had known Waller from childhood and had first employed him in 1926; that Waller was a quiet, steady worker, honest, and no trouble maker.

Waller's mother, Annie Waller, told of the relations between Davis and the Waller family, and of the shooting. Odell Waller was not summoned by Governor Darden to tell his story.

Defense League Comments

In a statement released to the press July 2, the Rev. Laurence T. Hosie, acting chairman of the Workers Defense League, said:

"An appalling blunder has been committed which should sober every American citizen with enough insight to understand the perils facing America and all freedom-loving peoples at this hour. The execution of Odell Waller is a setback to the improvement of race relations which has been going on steadily in the South for the last quarter-century.

"Odell Waller has not died in vain. Around him have gathered Americans from every walk of life who understand more clearly now than heretofore how much black and white men have in common and how essential it is that they work together in creating an America that is free in fact as well as in hopes."

33-1942
New Republic
New York, N. Y.

The Waller Case

JUN 15 1942

Unless his sentence is commuted, Odell Waller, twenty-five-year-old Negro sharecropper, will be executed June 19 in the Virginia penitentiary at Richmond for slaying his white landlord. The United States Supreme Court twice turned down Waller's appeal, unfortunately without delivering an opinion. The partisans in this affair who believe law and justice will be upheld when Virginia takes Waller's life can point to the evidence that one man shot another to death in an argument over a wheat crop. But there are other important elements in this case: the wheat actually belonged to the Negro sharecropper; the white man had put the Negro's family off the land and had generally overridden his meager rights; Waller's real peers, poverty-ridden sharecroppers like himself, had no chance for jury service because of a poll-tax requirement. That this is something of vital importance and not an anti-Southern argument thought up by Northern critics—as many Southerners feel—is shown in the case of a Virginia white man, tried before the same judge, whom a white, poll-tax-paying jury acquitted in fifteen minutes for killing a Negro in a similar controversy.

JUN 15 1942

Waller's case was taken to the Supreme Court on the plea he was denied the constitutional right to a trial by a jury of his peers. A vast number of the Negro tenth of this nation had become deeply interested in the issues. Whatever the Court's decision, it was a grave error not to explain it; as a result of its silence, what can Waller sympathizers feel but rankling bitterness? If anyone doubts that Negro morale has suffered, he might go to Harlem on the night of June 16 and watch the lights go out in a two-hour protest blackout and period of silence—a silence of barbershops, taverns and overcrowded tenements, but the same sort of silence which hushed the austere chambers of the Court on decision day.

The life of one obscure Negro farmer is in the balance. It can be saved now by Governor Colgate Darden, who has displayed commendable fairness throughout the proceedings. By commuting Waller's sentence Governor Darden would be saving the life of a man who would not be awaiting execution if his skin were white; and he would accomplish as much for the morale of 13,000,000 Americans as would a great victory with generals and armies.

Flag Day

JUN 15 1942

"Sagittarius," whose lively verses appear in The New Statesman (London), sends us this contribution, having seen in an American newspaper a drawing of the flags of the United Nations, with the hammer and sickle of Russia discreetly half hidden in the rear.

Nation
New York, N. Y.

THE SECOND REFUSAL OF THE SUPREME Court to review the case of Odell Waller is a shocking evasion of an issue the Court should face. As our readers will recall, Waller is under sentence of death in Virginia for the murder of his white landlord and has appealed his conviction on the ground that he was tried before a jury from which men of his class were excluded under the state poll-tax law. Of the all-white jury which convicted him, ten members were employing farmers. A statement put out by the Workers' Defense League exactly reflects our own opinion:

JUN 6 1942

. . . This case not only involves justice for Waller; it involves the whole Southern practice of creating a second-class citizenship by means of the poll tax. At this solemn moment when America is embattled to defend the four freedoms, the Supreme Court has twice evaded this vital and inescapable issue. Twice it has refused to say whether it regards a jury of white poll-tax payers as peers of the disfranchised black man. Twice it has, in effect, condemned Odell Waller to die in the dark. Once again, as in the Mooney case, it has signally failed to fulfil the purposes for which it was created. It has not the right to remain silent on an issue which affects millions of Americans both white and colored.

Nation
New York, N. Y.

ODELL WALLER, THE NEGRO SHARECROPPER who was convicted of murder by an all-white Virginia jury, is to die on June 19. One last legal effort to save him will be made by the Workers' Defense League, which is planning to apply for a writ of habeas corpus in the federal courts. This step, it must be recognized, is only a forlorn hope, especially in view of the Supreme Court's decision to ignore the constitutional aspects of the Waller case. We place greater trust in the appeal which is being made to Governor Colgate W. Darden of Virginia, who has displayed a very fair attitude throughout the case, to commute the sentence of death. On Saturday of this week the Governor will hold a hearing on the case in response to a petition from a group of prominent persons, including many citizens of the state. *Nation* readers can support this effort by writing or wiring Governor Darden at Richmond, urging clemency on the ground that no man should die who has been denied a trial by a jury of his peers.

New York Times
New York, N. Y.

ODELL WALLER: A TEST CASE

Next Saturday Governor Darden of Virginia will hold a commutation hearing in the case of Odell Waller, Negro sharecropper condemned to death for killing his white landlord. This will be Waller's last chance. The Supreme Court of the United States, to which Waller's attorneys appealed on the ground that he was not tried by a jury of his peers, has refused to intervene. There is no doubt that Waller shot Oscar Davis. The doubt is whether there was not threat or provocation enough to make the act something less than first-degree murder.

The story of the case is the melancholy one of rural poverty embittering racial relations. It is complicated by the fact that Waller was tried by a jury of white men, ten of them farmers employing sharecroppers. No Negro and no man of Waller's economic status sat on the jury. None could, for the jury list [illegible] all who had not paid their poll taxes. In a comparable and subsequent case, tried last November in the same court before the same judge, the defendant was acquitted. He was a white man, his victim a Negro.

What is involved here is more than the guilt, or degree of guilt, of one prisoner, or the acts and character of the man who died. Poor Oscar Davis was himself a tenant farmer, hard-pressed by his own landlord. His wife had been sick, adding to his worries and expenses. The responsibility, in part, goes much farther back. It lies upon the poll-tax evil, the sharecropping system and the exhaustion of the soil which keeps so many Southeastern farmers poor, perhaps upon the crop-curtailment program of the Federal Government.

The faith of colored people in their country is deeply involved in what happens to Odell Waller. So is the faith of many white people. Southerners included: John Dewey, Norman Daniels, Pearl Buck, Van Wyck Brooks and numerous others. Our enemies would like to break down this faith. If Governor Darden grants the desired commutation, he will be helping his country's reputation among all the dark-skinned and yellow-skinned peoples. Time will then remain for an examination of heretofore obscured details and for a fairer apportionment of individual and general blame.

Washington Post
Washington, D. C.

Doomed Waller Loses New Plea

JUN 12 1942

Richmond, Va., June 11 (AP).—Federal District Judge Robert N. Pollard today closed for Odell Waller, 25-year-old Pittsylvania County sharecropper, two more possible avenues of escape from a sentence to die in the electric chair a week from tomorrow.

The jurist first denied Waller's attorney, John F. Finerty of New York and Washington, a writ of habeas corpus, and then refused to grant his counsel a certificate of probable error.

Finerty can now appeal to the fourth United States Circuit Court of Appeals for a certificate of error.

Waller, whose case has become a cause celebre nationally because of the efforts of civil rights groups to have him released, was convicted two years ago of killing his landlord.

New York Age
New York, N. Y.

Across The Desk

By LUDLOW W. WERNER

IT CAN BE DONE

Last month down at Madison Square Garden at the March on Washington Movement's gigantic demonstration of Negro unity, the national director, A. Philip Randolph, very graciously gave up the time in which he was scheduled to speak, to introduce a pathetic little woman.

She was the mother of Odell Waller. And as she spoke, the huge gathering, which a few minutes before had been a wildly cheering crowd, hushed and with tear-dimmed eyes listened while the heart-broken mother poured out from the very depths of her soul a pitiful plea to the audience to help her save the life of her boy.

Ludlow W. Werner

Odell Waller has since been electrocuted in the sovereign State of Virginia. By his death he became a symbol of a kind of democracy which on the one hand gives man the right to vote and to be tried by a jury of his peers, and yet on the other hand denies him that right to vote by means of the poll tax and denies him the right to trial by a jury of his peers by denying to Negroes the right to sit on juries.

It is within the power of each and every Negro to answer the plea of Odell Waller's mother and show her by our actions that although it was not within our province to help save her boy's life we can strike at the very root of evil and we can prevent there being other Odell Wallers.

Negroes have it in their power to do something about it, but I disagree with those who believe that mere signatures on a petition will do it. There is another power which the powers that be and the powers that hope to be fear more than anything else. And that is the ballot. Judicious use of the ballot will do more than anything else to remedy the situation. Beginning now, there should be a mass determination on the part of Negroes to reward our friends and to punish our enemies.

As this column was being written there was before Congress a petition being circulated to bring to the floor of the House for vote and debate the Geyer bill to outlaw poll taxes as a condition of voting. Two weeks ago this column quoted Walter White, of the NAACP to show just how this country is being throttled to death by Southern Congressmen who are chairmen of all the important Congressional committees. They get those chairmanships by continuance in office, year after year, by the votes of but a few of the citizens of these Uuited States. They continue in office only by virtue of the poll tax as a pre-requisite of voting. They know that once the poll tax is removed, their heads will fall.

And it is here that Negroes can do the most good. Those who live in states where there is no denial to them of the right to vote should write, wire, telephone or see their respective Congressmen and not just tell them that they want the anti-poll tax bill passed, they should demand it. Politically, Negroes have been far too passive in the past for their own good. It is time that they started demanding things instead of asking for them. There is a certain psychological effect, created by a demand that a mere request will never accomplish.

So, to all those Negroes who are bemoaning the electrocution of Odell Waller, I say, stop just talking about the case to your friends and saying it is a shame. Sure, talk about the case, but do more than that. Go to your Congressman and demand affirmative action from him immediately on the Geyer Anti-Poll Tax Bill. If he pussyfoots or hedges about it, let him know that there is an election which will be held in November and that you intend to vote for your friends and to punish your enemies. Let him know that you will regard him as an enemy if he does nothing about the bill. Let him know that you won't take no for an answer and you'll do more good to help others who might find themselves in a situation similar to Odell Waller than all the talking will do.

As the Rev. Laurence T. Hosie, acting chairman of the Workers Defense League, so appropriately has stated it: "The most appropriate memorial possible for Odell Walker would be national and state legislation abolishing the poll tax. The long struggle for equal democratic rights will never be over until the poorest man, black and white, is free to go to the polls seeking redress for his wrongs."

And as A. Philip Randolph stated when he and a committee vainly tried to obtain an interview with President Roosevelt on the case: "Failure to grant a commission of inquiry as was granted in the case of Tom Mooney by President Wilson will be interpreted by 13,000,000 Negroes as a refusal because Waller was a Negro. The Negro people will yet be listened to in the halls of government in Washington. The time will yet come when a Negro life will not be sacrificed on the altar of reactionary politics. As all Americans remember Pearl Harbor, Negro Americans will remember Odell Waller, and we solemnly pledge that he shall not have died in vain."

And to those Negroes who have the right to vote but have never exercised that right, I ask just this question: How do you expect to be treated as citizens if you do not act like citizens?

Coroner's Jury Clears Killer Still Unknown

In a verdict unprecedented locally, a coroner's jury Friday declared the fatal shooting of Pvt. Robert W. Hamner, 21, of the 176th Medical Detachment, Fort Myer, Va., was justifiable homicide and exonerated a Negro gunman yet unidentified and still at large.

The jury deliberated less than 30 minutes before returning their decision which said: "We believe this death to be a justifiable homicide, since the unknown man used his gun in defense of his own life."

Homicide squad detectives, who accepted the verdict without surprise, said such a decision has never before been handed down at a murder inquest when no defendant was present. Morgue records likewise failed to show a similar result.

Killed September 20

Hamner was shot and killed September 20 in the 1400 block Rhode Island Avenue Northwest, by one of two Negroes who fired at him and three companions while being pursued following a fight.

Detective Lieut. Jeremiah Flaherty, chief of the homicide squad, who predicted the verdict, testified that his investigation disclosed Hamner and two other soldiers, Roy McFedrick and Willis Robertson, with Edward N. Dickens of Alexandria and two girls were walking on Rhode Island Avenue when two Negro men passed them.

According to the witnesses, Flaherty stated, Dickens demanded an apology from one of the men for passing a derogatory remark ostensibly about Miss Mary Thrift.

Argument Followed

An argument ensued, the detective asserted, during which McFedrick struck one of the Negroes in the face with his fist, knocking him against a tree.

At this point, it was said, both Negroes started to run toward Fourteenth Street and were pursued by the soldiers and Dickens. The Negro who had been punched turned and fired one shot from a revolver while he was running, the shot striking Hamner in the mouth. He died a short time later at Emergency Hospital.

Washington Post
Washington, D. C.

Cripple Held In Slaying of Aged Father

Signed Confession Implicates Missing Handyman; Virginian Was Beaten, Burned

By the Associated Press

Portsmouth, Va., Oct. 6.—Alfred B. Tulin, 32-year-old cripple, appeared in police court in a wheel chair today and waived preliminary hearing on a charge of killing his father, Milliam I. Tulin, 66-year-old wine merchant, whose charred body was found in a burned automobile on a Norfolk County side road the morning of September 29.

Police Justice William Oast sent the case on to the Hustings Court grand jury. Defense attorneys said they would seek bond.

Detective Capt. Linwood H. Cherry said young Tulin surrendered to police last night and later dictated a detailed confession to Commonwealth's Attorney J. Alden Oast in the presence of Cherry and Detectives H. A. Eden and W. C. White of the Portsmouth Police Department, and his attorneys.

Handyman Implicated

Captain Cherry said the confession implica ed a Negro handyman in the employe of the Tulin family and named him as the actual killer. The motive for the crime, the detective said, was credited in the confession to alleged mistreatment of members of the family by the elder Tulin.

The officer quoted the son as saying he had planned the murder with the handyman, whom police have been seeking since last Wednesday, and as saying that he had at first suggested smothering his father with a pillow as being a more humane method of killing him. An investigation by Dr. K. T. Clover, coroner, revealed that the dead man had suffered a fractured skull. Police found a blood-stained iron, which they believed to have been the murder weapon.

According to police young Tulin admitted hearing a commotion in the kitchen on the night of September 28. He said the handyman returned to the house about two hours later with blood stains on his shirt. They took the shirt and a bloody bedsheet and hid them, according to the confession.

The man who did the actual killing according to young Tulin, received $31 of a promised $200 to commit the crime. He also had been promised employment at a salary of $20 weekly during the lifetime of the younger Tulin.

Captain Cherry said the defendant told officers he had planned once before to kill his father, who was then in Hartford, Conn., in 1939. The son was arrested in Hartford on a charge of carrying concealed weapons and was given a 90-day sentence, which was suspended, Cherry reported.

33-1942
The Daily Worker
New York, N. Y.

Immediate Protests Needed To Save Life of Odell Waller

(Special to the Daily Worker)

RICHMOND, Va., June 26.—An intensification of protests to Governor Colgate W. Darden, Jr., here, is needed now to save the life of Odell Waller, Negro sharecropper, unjustly sentenced to die in the electric chair on July 12.

Saving Waller's life will strengthen the unity of all Americans in the struggle to wipe out Hitlerism and the despicable fascist race theories.

Governor Darden will hold a public hearing Monday, June 9, at the State Capitol here to consider the commutation of Waller's sentence.

All sections of the Virginia labor movement and progressive organizations have petitioned Gov. Darden to save Waller from the electric chair.

The public hearing is the result of the tremendous interest shown and the protest campaign.

All interested persons are asked to be present at the hearing next Monday.

Protests from all over the nation are pouring into the Governor's office. Yesterday Philip Murray, CIO president, and William Green, AFL president, wired Governor Darden to right a grievous wrong. James Carey, secretary of the CIO, and R. J. Thomas, auto union president, also wired. Other prominent leaders who have appealed to the Governor to grant executive clemency are: President Frank Graham, University of North Carolina; Rev. Harry Emerson Fosdick, Dr. Henry Sloan Coffin, Pearl Buck, Dr. John Haynes Holmes and others.

Argus
St. Louis, Missour

Mrs. Roosevelt's Appeal And Governor Win Eleventh Hour Reprieve for Waller

RICHMOND, Va.—(C)— June 18.—Odell Waller Virginia Negro sharecropper, scheduled to die tomorow for the murder of Oscar Davis, Virginia farmer, received a reprieve June 18 from Governor Colgate W. Darden, Jr., to permit time for a hearing on a plea for commutation of his sentence. The hearing was set for June 29th and the reprieve postponed the execution date from June 19 to July 2nd.

Waller was convicted and sentenced to die for the slaying of Oscar Davis, a white man, in Pittsylvania County. Petitions have ben presented to President Roosevelt asking a commission of inquiry, and Mrs. Roosevelt has written Governor Darden, asking that he give consideration to appeals for clemency.

The Governor's action followed exhaustion of the twenty-five-year-old Negro's recourse to the courts and marked the fifth reprieve granted him since his conviction in Pittsylvania County, Va., Circuit Court in September, 1940.

"While it is the function of the courts to dispose of the legal questions in such cases as this," Governor Darden said, "the condemned man is neverthe-less entitled to present to the Executive his petition for clemency, and on this petition, it is my desire that he be fully heard."

The reprieve was announced after Governor had talked by telephone with John F. Finerty, of New York, counsel for Waller and the Workers Defense League, and had conferred at length with Attorney General Abram Staples.

Age-Herald
Birmingham, Ala.

SHARECROPPER GOES TO CHAIR

Odell Waller, 25, Dies Minus Statement As Long Case Ends

RICHMOND, Va., July 2—(AP)—Without comment and apparently resigned to his fate, Odell Waller, 25-year-old Negro sharecropper whose case ran the gamut of appeals to the courts in an exhaustive, two-year legal fight, went to his death in the electric chair at the Virginia Penitentiary Thursday for the murder of Oscar Davis, his white employer.

Representatives of the Workers' Defense League, one of the champions of the Negro's cause, said they sought in vain for a hearing before President Roosevelt the eve of the execution after Gov. Colgate W. Darden, Jr., already had denied pleas for commutation of the sentence and for a sixth reprieve.

Waller was called from his death row cell, where he had spent 630 days while his attorneys fought for his life before the state and United States Supreme Courts, at 8:35 a.m. (E. W. T.). 10 minutes later Dr. C. C. Chewning, Jr., prison physician, pronounced him dead.

Waller shot and fatally wounded Davis July 15, 1940, at Davis' southside Virginia home place. The shooting followed his employer's refusal to surrender his share of a jointly tended wheat crop, but state witnesses testified at the trial Davis had promised to send Waller his wheat and had turned toward his house in response to a call for breakfast when the Negro fired four shots, two of which struck Davis in the back.

The Workers' Defense League and other groups intervening in his behalf circulated pamphlets throughout the nation on the case and appealed for defense funds. Many prominent individuals, including Mrs. Roosevelt, wrote or telegraphed the governor prior to his final action. The Workers' Defense League said they learned the president also communicated with Darden in Waller's behalf.

Defense counsel contended that Waller's trial before a jury of poll taxpayers, when he was in the class that did not pay such taxes, denied him equal protection of the laws, but Gov. Darden said he did not believe payment of a tax of $1.50 a year "had the effect of dividing the people of the commonwealth into economic classes."

Washington Post
Washington, D. C.

Last Hope Gone

Odell Waller Must Die For Murder

By the Associated Press

Richmond, Va., June 30.—Governor Darden tonight refused a plea of counsel for Odell Waller, 25, Negro sharecropper, for commutation of his death sentence of Oscar Davis, white tenant farmer.

The Governor's decision was announced at 9:10 p. m. after a full day's study of the case and conferences with Attorney General A. P. Staples. It followed by approximately 25 hours a lengthy hearing accorded counsel for the Negro on their petition for executive clemency.

The refusal of the Governor to intervene apparently exhausted Waller's last hope of escaping the penalty decreed by a Pittsylvania County jury on September 27, 1940.

Waller is sentenced to die in the electric chair Thursday morning.

Counsel for the condemned man contended that an error of his trial attorneys was responsible and argued that Waller, if left to die, would die by reason of a technicality.

This contention was based on the failure of the defense to offer evidence at the trail to prove that non-payers of the State poll tax were systematically excluded from the jury lists. In the repeated appeals to the courts, one of the major contentions has been that Waller was denied equal protection of the laws in that he, a non-payer of poll taxes, was tried by a poll tax paying jury.

Another point stressed by the defense has been divergence of testimony at the trial. John F. Finerty of New York, a representative of the Workers' Defense League, told the Governor that the record of the trial was "a composite mass of gossip" that left ground for reasonable doubt that Waller was guilty of a premediated crime.

While the State proved to the satisfaction of the jury that Waller shot and killed Davis without justification, the defense brought Waller's foster mother, Annie Waller, before the Governor to testify that the shooting occurred only after Davis had denied Waller his share of a jointly tended wheat crop and had reached toward his hip as if for a gun. Davis was not armed when Waller went to his home before breakfast on the morning of the slaying, armed with a pistol and with a shotgun in the truck in which he arrived.

State witnesses, including a 20-year-old Negro, Henry Davis, testified there was no argument prior to the shooting and that Davis promised to send Waller his wheat after finishing threshing in the community. As the farmer turned to go to breakfast, Henry testified, Waller started shooting.

New York Times
New York, N. Y.

Waller Must Die, Gov. Darden Rules

By The Associated Press.

RICHMOND, Va., June 30—Governor Darden tonight refused a plea of counsel for Odell Waller, 25-year-old former Negro sharecropper, for commutation of his death sentence for the slaying of Oscar Davis, white tenant farmer.

The Governor's decision was announced after a full day's study of the case and conferences with A. P. Staples, Attorney General.

It followed by twenty-five hours a long hearing accorded counsel for the Negro on their petition for Executive clemency.

The refusal of the Governor to intervene apparently exhausted Waller's last hope of escaping the death penalty decreed by a Pittsylvania County jury on Sept. 27, 1940.

The case has been carried through both State and Federal Appellate Courts.

Chicago Defender
Chicago, Illinois

THE WALLER CASE

The refusal of the U. S. Supreme court to grant a writ of certiorari in the Odell Waller case, is wholly incompatible with the court's previous record of liberal, sane interpretation of the law. Waller is a Virginia sharecropper under sentence of death for shooting his white landlord. His counsels contend that non-payers of the Virginia poll tax had been dliberately excluded from the jury which convicted him.

The exclusion of Negroes from jury service has been held by the court, in previous cases, as a justifiable ground for a review of the decision of the lower courts. That Virginia is among the states that maintain a poll tax system cannot be controverted, it is a fact established time again beyond peradventure of doubt. The low economic status of Negroes living under that system makes it impossible for them to meet the poll tax requirements, hence their ineligibility as jurors. The Supreme Court therefore could have taken a broad view of existing facts instead of a narrow, technical and abstract course. For a court which is competent to decide all disputes within a community should give due consideration to equity and justice even if it is not explicitly empowered to do so by the Constitution.

In the Waller case, the U. S. Supreme Court had an opportunity to affirm unequivocally that a trial by a jury of his peers is the constitutional right of every accused American citizen. Such action would have had indirectly, but nonetheless effectively, the blessed effect of outlawing the poll tax which has reduced too large a number of our citizens to the status of peons and feudal serfs.

The U. S. Supreme Court would not compromise its dignity, if, in the interest of democratic ideals by which it is itself maintained, it should place the security and preservation of social and economic rights above legal technicalities and abstractions.

Nation
New York, N. Y.

Last Appeal

According to scientific pronouncement, death came to Odell Waller in something less than ten minutes. At 8:35 a.m. on July 2 he was strapped in the electric chair at the Virginia penitentiary; at 8:45 the prison doctor declared the prisoner's debt had been paid. By another system of measurement, death came to Waller bit by bit over the 650 days he had waited in Death Row.

In those 21 months Waller had received hope as well as despair—hope born of five reprieves granted by two governors (NEWSWEEK, June 29), hope born of the long fight put up to save the 25-year-old Negro sharecropper who had killed a white farmer in an argument over a few sacks of wheat and bundles of tobacco. In waging that battle, the Workers Defense League, other organizations, and notable individuals contended Waller's conviction was unconstitutional because the jury included no Negroes or others too poor to pay the poll tax.

The many appeals in the slayer's behalf had their climax in a 9½-hour hearing before Gov. Colgate W. Darden on June 29. Next day the Old Dominion executive said he did not believe payment or nonpayment of a poll tax of $1.50 a year "had the effect of dividing the people of the Commonwealth into economic classes"; he refused to interfere.

The nation's newspapers had printed many editorials on the case. The most pointed commentary was left by Waller himself. On the eve of his execution he scrawled a statement, rich in misspelling, almost barren of punctuation: "I haven't lived so upright," he said. "I have asked God to forgive me and I feel He has." A few words sketched a life of poverty, and then Waller wrote: "Have you ever thought about some people are allowed a chance over and over again then there are others allowed little chance some no chance at all."

FDR Urged To Save Waller

"PM Daily" New York, N.Y.
Special Correspondence

RICHMOND, Va., July 1—Odell Waller, Negro sharecropper scheduled to be executed here today for the murder of his white landlord, pinned his last hopes for life on an appeal to President Roosevelt.

Waller's counsel made the appeal last night but was unable to reach the President up to a late hour. The likelihood of Presidential intervention was slim. Nevertheless, Waller's friends hoped he would urge Virginia's Governor Darden to grant a reprieve.

Meanwhile in Washington, committees appointed by the Workers Defense League and by the Negro Labor Victory Committee approached one high official after another to urge that they intercede with FDR to save the sharecropper who, they felt, had been denied justice at the hands of the Jim Crow South.

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New York, N.Y. JUN 3 1942

The Governor granted Waller five reprieves while his counsel unsuccessfully tried to get both the state and Federal courts to upset the guilty verdict on the grounds that Waller had been denied trial by a jury of his peers. Only poll-tax payers are eligible for jury duty in Virginia.

Tuesday, Darden denied Waller a sixth reprieve, and ordered the execution.

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Odell Waller

May I comment briefly on certain points raised by your editorial of June 20 on the case of Odell Waller?

The evidence introduced at Waller's trial to prove that he "was a bad man with a bad record" is not altogether convincing. It was given by a county policeman, of whose testimony such statements as these are typical: "All in the community, white and colored, says he's bad;" "The people down there told me he was a mean nigger;" "He's been in jail several times." He said that Waller had engaged in bootlegging and had driven without a permit. His only serious accusation was that Waller had once pulled a razor on him—a statement which the judge ruled out on direct examination and admitted on cross-examination.

You state that the only thing in question is whether or not Waller's killing of Oscar Davis was premeditated. A reading of the trial record would, I believe, convince you that the circumstances of the shooting itself are still open to question. The only eyewitness was a Negro boy of 18, who was in Oscar Davis' employ at the time of the shooting and in that of Davis' son at the time of the trial. It shows also that he had refused to talk to Waller's counsel, saying that he would tell everything at the trial, if he could remember it; that his testimony differed in important respects from that which he had given two weeks earlier in Trial Justice Court, and that he testified that Waller had shot Davis with absolutely no reason after a friendly conversation during which Davis promised him his wheat. Surely no unprejudiced person could deny that the circumstances and nature of this boy's testimony lay it open to grave doubt.

And if this testimony is open to doubt, then the question whether Waller shot in self-defense is also open to doubt. He testified that he did not see a gun in Davis' hand, but that Davis ran his hand into a pocket where he had known him to carry a gun, and he was afraid Davis was going to shoot. It appears that fear of a gun one does not actually see can be sufficient ground for acquittal on a plea of self-defense; for a year later a white farmer, R. G. Siddle, who killed an unarmed Negro sharecropper, was acquitted on substantially identical testimony in the court where Waller was convicted.

Finally, you state that there was no objection at the time that the jury in the Waller case was not a jury of representative citizens. The record shows that Waller's counsel moved to quash the indictment and the petit jury panel on the ground that nonpayers of poll taxes had been systematically excluded from both. But he failed to adduce specific proof, assuming that the law of Virginia then required such exclusion. This point, it appears, had not then been decided by the Supreme Court of Appeals of Virginia. Had it been the law, proof of the fact of exclusion would of course have been unnecessary. Not until the Supreme Court of Appeals dismissed Waller's writ of error was it held that the law of Virginia did not require such exclusion. Thereupon the Supreme Court of Appeals refused to issue a writ of habeas corpus to permit Waller to prove the undoubted facts. It is apparently the failure of his trial counsel to produce specific proof in support of his motions that has made it impossible for Waller's present counsel to get a review of his case by the Federal Courts.

JOHN DEWEY.
New York, N. Y., June 23.

New York Times
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REFUSE DEATH STAY FOR SHARECROPPER

Four Supreme Court Justices Reject Plea for Waller

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John F. Finerty, attorney for the condemned man, was turned down in succession by Chief Justice Stone and Justices Black, Jackson and Frankfurter. They were the only members on the court in Washington. Any member of the court has the power to issue a stay.

Justice Frankfurter, the last to act, said:

"A Federal judge I am unable to find any justification for summary interference with the orderly process of Virginia's courts of justice."

Finerty immediately left Washington for Richmond to appear before the Governor of Virginia at a commutation hearing on Monday.

The attorney said he sought a stay of execution to permit a new appeal to the Supreme Court, now in recess until October, on the question of whether the Negro was deprived of his constitutional rights because non-payers of poll taxes were barred from the juries which indicted and tried him.

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Nation
New York. N. Y.

ODELL WALLER, THE NEGRO SHARECROPPER who was convicted of murder by an all-white Virginia jury, is to die on June 19. One last legal effort to save him will be made by the Workers' Defense League, which is planning to apply for a writ of habeas corpus in the federal courts. This step, it must be recognized, is only a forlorn hope, especially in view of the Supreme Court's decision to ignore the constitutional aspects of the Waller case. We place greater trust in the appeal which is being made to Governor Colgate W. Darden of Virginia, who has displayed a very fair attitude throughout the case, to commute the sentence of death. On Saturday of this week the Governor will hold a hearing on the case in response to a petition from a group of prominent persons, including many citizens of the state. *Nation* readers can support this effort by writing or wiring Governor Darden at Richmond, urging clemency on the ground that no man should die who has been denied a trial by a jury of his peers.

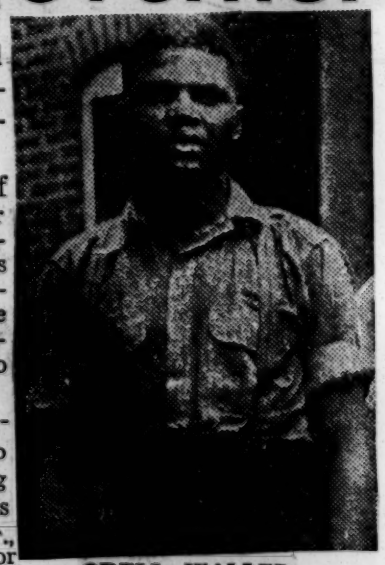
Kansas City Call
Kansas City, Mo.

Odell Waller Dies Soon Unless Saved By Va. Governor

ROANOKE, Va. — Odell Waller, Negro sharecropper, faces execution on Friday, June 19.

He will die a victim of Virginia's undemocratic and unfair poll-tax system unless the governor of Virginia commutes his sentence. The governor, whose attitude has been fair and humane up to now, may commute the sentence if enough people urge him to do so.

Twelve of the nation's most outstanding men have sent a plea to citizens all over the country asking them to send letters and telegrams to Governor Colgate W. Darden Jr., of Virginia asking clemency for Waller who killed his farmer landlord in a dispute over crop shares.



ODELL WALLER

MANY SIGNERS

Signers of the appeal include Rev. Harry Emerson Fosdick, world famous preacher; Walter White, secretary of the National Association for the Advancement of Colored People; Dr. Frank P. Graham, president of the University of North Carolina and member of the War Labor Board; Bishop Francis J. McConnell of the Methodist Church; Pearl S. Buck, author; William M. Agar of Freedom House; Dr. John Dewey, famous philosopher; Freda Kirchway, editor of "The Nation"; Rev. John Haynes Holmes of the Community Church, New York City; Bruce Bliven, editor of "The New Republic"; Oscar Amcringer, writer and editor, Oklahoma City, and Prof. Maynard C. Krueger of the University of Chicago.

"To let Waller go to his death on the basis of the meager, obscure and contradictory record of his trial seems unthinkable," they declare. "Yet that is just what will happen unless a storm of voices is raised demanding that common sense and national policy reinforce considerations of justice and mercy to secure at the minimum a commutation of his sentence."

At the same time, leaders of the March-on-Washington Movement announced that the demand for justice for Waller was one of the main planks at the giant mass meeting at Madison Square Garden, New York City, on June 16, three days before the scheduled date of Waller's execution.

Hearings on commutation of Waller's sentence are scheduled to be held before Governor Darden in Richmond. Negro and white workers in Roanoke and other sections of Virginia are busy circulating petitions to be presented to the governor, urging clemency for Waller.

PRESENTS PETITION

Meantime, John F. Finerty, Workers Defense League attorney and counsel for Waller, presented a petition for an original writ of habeas corpus in the Federal District Court for Eastern Virginia before Judge Robert Pollard. Finerty declared that, if the petition were denied, he would appeal to the Federal Court and then to the United States Supreme Court, if the execution were stayed to permit that.

The Negro community in Virginia has become greatly aroused at the Workers Defense League's revelation that in Pittsylvania county, where Odell Waller was sentenced to die for shooting his white landlord, a white man, R. G. Sittle, who killed his Negro sharecropper, was declared not guilty and allowed to go free.

The two trials, a little over a year apart, took place in the very same courtroom, before the very same judge. The circumstances were strikingly similar. In each case, the fatal shooting was preceded by disputes between landlord and sharecropper over crop shares. Waller pleaded self-defense in the killing of his landlord. Sittle pleaded fear in the killing of his sharecropper. In each case, the jury was composed entirely of white poll-taxpayers.

But in the Waller case, it was the black sharecropper who shot the white landlord, and the black man was sentenced to die. In the Sittle case, the white landlord shot the black sharecropper, and he was acquitted.

How You Can Help Save Odell Waller

1. Wire or write at once to Governor Colgate W. Darden Jr., Richmond, Va., urging clemency for Waller.

2. Get friends and organizations to do likewise.

3. Rush contributions to the Workers Defense League, 112 East 19th St., New York City, for emergency action to save Waller's life.

New York Times
New York, N. Y.

A HEARING FOR ODELL WALLER

Governor Darden of Virginia added to his fine reputation for fair-mindedness yesterday when he granted a fifth reprieve to Odell Waller, this time until July 2. Waller, it may be recalled, was a Negro sharecropper, who shot and killed his white landlord, Oscar Davis. Action in the State and Federal courts had proved fruitless. The Governor takes the admirable position that "while it is the function of the courts to dispose of the legal questions in such cases as this the condemned man is nevertheless entitled to present to the Executive his petition for clemency, and on this petition it is my desire that he be fully heard." Waller will have his hearing on June 29.

By coincidence this news arrived on the same day with a letter to THE TIMES from Judge J. T. Clement of the Seventh Judicial Circuit of Virginia, in whose court Waller's trial was held. In this letter, published in an adjoining column, Judge Clement states his belief that THE TIMES did not have, or did not present, the "true facts" in its editorial of June 11 on the Waller case. For the record we shall take up Judge Clement's main points.

1. We cited a subsequent case, also tried before Judge Clement, in which a white landlord shot a Negro sharecropper and was acquitted. We described this case as "comparable" with the Waller case. Judge Clement apparently read our editorial so hastily that he thinks we said "similar"—a somewhat different word. He presents an inadequate summary to indicate that we were wrong. We still believe that in the plain meaning of English words, as commonly understood, the cases were "comparable."

2. Judge Clement's statement about the Waller case might lead a reader to believe that we had expressed a belief in Waller's innocence. What we said was: "There is no doubt that Waller shot Oscar Davis. The doubt is whether there was not threat or provocation enough to make the act something less than first-degree murder." Judge Clement is convinced that there was premeditation, which would, of course, justify the first-degree verdict. On this point there is a conflict of testimony. When a life is at stake we think such doubts should have weight.

3. We said that "the jury list excluded all who had not paid their poll taxes." Judge Clement states that "there is no such law and no such practice in Virginia of which I am aware." He adds that "the jury commissioners are required to select good substantial and intelligent citizens, and this type of citizens usually pay their poll taxes as well as other debts." The reader may be left to draw his own conclusions. The fact is that no sharecropper and no Negro sat on the Waller jury. We believe that even Judge Clement will not dispute the authority of The Richmond Times-Dispatch, which said editorially: "We have recognized the justice of the contention that in a case involving economic and social conflict, as this one does, the jury should contain members of both classes of society involved in the conflict. The jury which tried Waller did not meet this specification."

4. Judge Clement accuses us of being misled "by the false and vicious propaganda that has been spread practically all over the United States by those Northern societies, who apparently are backed by communism." We do not believe that John Dewey, Jonathan Daniels, the editor of The Richmond Times-Dispatch, and many others, both Northerners and Southerners, who have

taken an interest in the Waller case, are Communists or influenced by Communists.

The Waller case transcends sectional issues. The plight of the Negro is a national problem. We cannot be self-righteous about the opportunities the Negro has in our own city, for decent living, for health or for employment. We do believe that, North or South, the justice done him ought to be above suspicion and beyond doubt. We do not for a moment contend that Waller is innocent and should go free. We do contend that circumstances in his case, in the condition of the Negro sharecropper and worker, and in the admitted practices of Virginia courts, raise a grave doubt as to whether all the pertinent factors were properly weighed and full justice done. Governor Darden's action yesterday makes possible a re-examination of these questions.

Daily World
Atlanta, Ga.

Odell Waller To Die Friday If Stay Not Given

Leading Americans Of Both Races Sign Document

NEW YORK CITY—(S N S)—In a petition sent to the White House Tuesday, leading American citizens, both Negro and white, urged that President Roosevelt appoint a Commission of Inquiry to investigate the case of Odell Waller, Virginia sharcropper doomed to die on June 19. Similar action by President Wilson in the cases of Tom Mooney and Joe Hill was cited as precedent.

Declaring that the welfare of the country is involved in the Waller case, the petition states that the second silent refusal of the U. S. Supreme Court to review the case was a further shock to an "already badly shaken" Negro morale. The petitioners also contend that the Court's action "is evidence for America's enemies, who seize every opportunity to hold up American democracy to scorn before the colored races of the world."

"Waller disfranchised by poverty, the petition reads, was convicted by a jury of white poll-tax payers Through misapprehension of his counsel at the trial, an objection without proof was made to the systematic exclusion of non-poll-tax payers from jury service. This proof was presented at subsequent habeas corpus proceedings. If this failure of counsel to offer proof of his contention to the Trial Court is the basis for refusal by the United Sattes Supreme Court to review the case, then Waller is dying because of a technicality."

The petition closes with the declaration that "it will be a national calamity if Waller goes to his death, when millions of his fellow citizens are convinced that he was not tried by a jury of his peers. Your intervention will help restore the badly shaken faith of our Negro minority in American democracy."

The case of this Negro sharecropper, who shot his white landlord in a dispute over crop shares, has become the occasion for nation-wide criticism of the poll-tax system in certain of our Southern states, which excludes not only a vast majority of Negroes but many white citizens as well, from full participation in the rights and duties of citizenship.

Chicago Defender
Chicago, Illinois

ASK PRESIDENT TO OPEN PROBE OF VA. SLAYING

Prominent Clergymen and Civic Leaders Act to Saved Doomed Man

NEW YORK. — (ANP) — Monday afternoon the White House received a public petition to the President signed by numerous religious leaders including Bishop Francis J. McConnell, John Haynes Holmes, Charles Clayton Morrison, urging the appointment of a Presidential commission of inquiry "to investigate the case of Odell Waller, Negro sharecropper of Gretna, Va., sentenced to die June 19."

The signers, who include many noted Americans, declare, "We believe it will be a national calamity if Waller goes to his death when millions of his fellow citizens are convinced he was not tried by a jury of his peers."

On the following evening a monster mass meeting of the Negro March-on-Washington Movement is scheduled at New York's Madison Square Garden to protest discrimination and "second-class justice in poll-tax states; in the army, navy and marine corps; in industry and federal employment; in the courts."

"Odell Waller must not die" says the notice for the meeting, which will dramatize the struggle for Negro rights by a 15 minute voluntary blackout of stores and homes in Harlem.

Early this week counsel for Waller will go before the federal circuit court in Asheville, N. C., to appeal the federal district court's decision of June 11 refusing to entertain a petition for habeas corpus on the grounds that it was legal to bar non-poll tax payers from juries.

The Workers Defense League's church committee is urging religious groups to send letters and telegrams to Gov. Colgate W. Darden Jr., at Richmond, Va., pleading with him for executive clemency, since if the federal courts fail to act Waller must die Friday, June 19.

Waller Gets Fifth Stay

Governor Reprieves Sharecropper; Sets June 29 for Clemency Hearing

Special Correspondence

RICHMOND, Va., June 19.—Gov. Colgate W. Darden Jr. granted a fifth reprieve yesterday to Odell Waller, 25, Negro sharecropper who was to have been executed today for the slaying of his white landlord.

Darden's action came a few hours after Chief Justice Harlan F. Stone of the U. S. Supreme Court had refused to intervene in the case on the ground that no basis existed for action by the highest court.

The reprieve came after a mounting wave of protest against the scheduled execution swept the Nation. Telegrams urging clemency had poured in on the Governor from New England to California, and a number of newspapers, including the Richmond *Times-Dispatch* and Norfolk *Virginian-Pilot*, had called for commutation of Waller's sentence.

Hearing June 29

Darden set the new execution date for July 2 and announced that commutation hearings would be held June 29.

"While it is the function of courts to dispose of the legal questions in such cases as this," the Governor declared, "the condemned man is nevertheless entitled to present his petition for clemency, and on this petition it is my desire that he be fully heard."

Counsel for Waller, who shot to death Oscar Davis at Gretna two years ago, have contended that the sharecropper was denied his constitutional rights because he was not tried by a jury of his peers.

The jury included 10 planters, a businessman and a carpenter—all white. They were from a county in which only 6000 of 30,000 inhabitants have paid poll taxes.

Waller and those of his economic class, the defense contended, were too poor to pay poll taxes and thus become eligible for jury service.

Writ Refused

Waller's appeal was carried through the state and Federal courts. Twice the U. S. Supreme Court refused to review the case. Yesterday John F. Finerty of New York, distinguished for service in many civil-liberties cases, futilely appealed to Stone for a writ of habeas corpus as the last recourse.

The reprieve was greeted jubilantly by officials of the Workers Defense League and other groups which had worked in Waller's behalf.

A quarrel over the allocation of the shares Davis and Waller were to get from the wheat crop Waller had grown on land Davis rented from still another landlord led to the killing.

Under the agreement between the two men, Waller was to have received one sack of wheat of every four he harvested on Davis's land. Waller said he shot Davis after the latter refused to hand over Waller's share and reached into his pocket as if to pull a gun.

An 18-year old Negro who lived with the Davises said there had been a friendly discussion, and that Waller had fired without provocation.

33-1942
Amsterdam News
New York, N. Y.

The Watchtower

By Roy Wilkins

VIRGINIA and the rest of the nation will not soon forget the Odell Waller case, even though the sharecropper finally was executed on July 2. For the fight for Waller symbolized the whole struggle of a submerged people for complete citizenship rights in a democracy. The story of the crime is not a sensational one. The drama lay in the struggle against a system, the struggle which was a part of Waller's whole life, and the life of his parents, the struggle which exploded in the shooting of the landlord, Davis, by Waller.

Mr. Wilkins

The facts are simple. Waller helped raise a wheat crop on a share-cropping basis. He claimed he was due one-fourth of 208 bags of wheat. He went to Davis, the white landlord, who had a reputation for being "hard" on his Negro sharecroppers, and demanded his wheat. Davis refused to divide the crop and Waller shot him.

Waller and his lawyers claimed Davis made a move toward his hip pocket as if to draw a gun, and that in fear of his life, and in self-defense, Waller then opened fire, killing Davis. It was known that Davis at times carried a gun and Waller contended that he had no means of knowing that Davis was not preparing to draw a gun and shoot him.

Given to Governor

After marching back and forth through the courts and gathering more and more public support for the convicted man, the issue was finally placed in the lap of Governor Darden of Virginia who, after going through some motions which indicated he might commute the death sentence to life imprisonment, ruled that Waller must die.

The poll tax came in for continual lambasting during the long case. The defense contended that non-poll tax payers were barred from jury service and that by this practice Waller was denied a fair trial by a jury of his peers.

It seems clear to all observers of this case that Virginia could have satisfied justice with a communtation of sentence. There was reasonable doubt on the record that Waller committed deliberate first degree murder. It was never proved that he approached Davis about his share of the crop with the intention of killing the landlord.

Executed Because of Color

From this position of reasonable doubt, the conclusion is inescapable that Waller was executed because of his color. Virginia is a proud state. On the Negro it is "southern" in its attitudes, but it is proud of Virginia, of black and white Virginians, and of the precious Virginia traditions. It is as different from wild and wooly Texas, or darkest Mississippi, as chalk is from cheese. And so the Waller execution must cause many a qualm in the ranks of the real Old Dominion residents. It is below the Virginia standard. Not that the case was clear. But every reasonable doubt should be resolved in favor of the defendant. A man is innocent, we Americans say, until proved guilty. Real Virginians must be uneasy in the feeling that when the chips were down, when their land their traditions were face to face with a choice involving a human life, involving—for them—more than race, color, or class, they failed to come through. They must know, deep down, that Waller is dead today because he was black, and forgetting it will not be easy.

As for us, we know, too, why Waller is dead. Mourning momentarily, we go on with the fight against the system that creates Waller tragedies.

New York Age
New York, N. Y.

ODELL WALLER EXECUTED IN VIRGINIA STATE PRISON

"President And Government Of U. S. Have Failed Us," Says A. Philip Randolph

RICHMOND, Va.—Odell Waller, Negro sharecropper who spent 630 days in death row for the murder of Oscar Davis, his white landlord, on July 15, 1940, was electrocuted at the Virginia State State Penitentiary on Thursday after Governor Colgate W. Darden refused to act on last-minute appeals for stay of execution.

The 25-year old Negro was led from his cell and strapped in the chair at 8:35 a.m. He was pronounced dead 10 minutes later, ending a battle of almost two years in both state and federal courts to upset the death verdict.

On the eve of his execution, a delegation of ten Negro leaders attempted to see President Roosevelt at the White House in Washington to secure Presidential intervention.

The committee was composed of A. Philip Randolph, Dr. Channing H. Tobias, Frank B. Crosswaith, Dr. Mary McLeod Bethune, Frank Reeves, Robert Hamilton, Miss Layle Lane, Pauli Murray, Mrs. Anna Arnold Hedgeman and Dean Ransome. Unable to secure an audience with the President, the delegation later issued a statement through A. Philip Randolph, international president of the Brotherhood of Sleeping Car Porters and national director of the March on Washington Movement, saying:

"The President and Government of the United States have failed us."

In New York City, the following statement on the execution was issued on behalf of the Workers Defense League by Rev. Laurence T. Hosie, acting national chairman; Layle Lane, vice-chairman; Dr. George S. Counts, treasurer, and Morris Milgram, national secretary:

League's Statement

"An appalling blunder has been committed which should sober every American citizen with enough insight to understand the perils facing America and all freedom-loving peoples at this hour. The character of any people is found not in its word, but in its deeds. The execution of Odell Waller is a setback to the improvement of race relations which has been going on steadily in the South for the last quarter-century.

"The Workers Defense League has sought to save Odell Waller and, through him, to defend America's cherished institutions. Any one of at least four facts should have brought clemency or postponed execution:

"1. Waller obviously did not get a fair trial This fact was apparent to nearly everyone who considered the case. Waller was tried by a jury of poll-tax-payers in a state where, regardless of legal technicalities, non-poll-tax payers are practically disfranchised. Furthermore, evidence at the trial was, to objective observers, confused and inconclusive.

"2. The United States Supreme Court's refusal, on a technicality, to review the case, has the effect of saying that a man can die for the technical error of his trial lawyer. This attitude comes from a court which has been regarded as the guardian of the people's rights.

"3. The case had aroused the personal concern of millions of Americans, among them some of the most respected and able in our country. These men and women did not claim that Waller was innocent; they simply petitioned their courts and their executives in an effort to protect judicial processes. They proceeded openly, along channels provided for just such situations, and to the last it seemed inconceivable that their earnest desire to fulfill their responsibility as citizens should be so seriously affronted.

"4. An international problem of truly epochal significance has arisen in the relationship of colored peoples to the white race. Waller was black. Here, without any of the complications of military necessity, was an opportunity to demonstrate that, in America, freedom knows no color. Yet Waller died at a moment when every Negro in America is intent on discovering just what his rights are as a human being.

"These fact prove exactly the opposite of Governor Darden's contention that the type of campaign carried on in behalf of Waller was 'extremely detrimental to the public interests' and had the effect of sowing 'racial discord at a critical time.'

"The morale of the American people is based on the conviction that this is THEIR government and that no liberty is to be infringed upon save because of military necessity. National unity does not depend on blind acceptance of injustice but on eternal vigilance in the protection of liberty.'

"Odell Waller has not died in vain. Around him have gathered Americans from every walk of life who understand more clearly now than heretofore how much black and white men have in common and how essential it is that they work together in creating an America that is free in fact as well as in hopes."

Penitentiary for killing his white landlord (TIME, July 6) over 50 sacks of wheat that Waller claimed were his.

Time
Chicago, Illinois

RACES

Chances

A 25-year-old Negro sharecropper laboriously, in crabbed script, wrote his last testament:

"Have you thought about some people are allowed a chance over and over again, then there are others allowed little chance some no chance at all," wrote Odell Waller. "I accident[ally] fell and some good people tried to help me. Others did everything they could against me so the governor and the coats dont no the true facts. In my case I worked hard from sunup until sundown trying to make a living for my family and it ended in death for me. You take big people as the President, Governors, judge, their children dont never have to suffer. They has plenty of money. . . . The penitentiary all over the United States are fulp of people ho was pore tried to work and have something, couldnt so that maid them steel an rob."

A few minutes later Odell Waller died in the electric chair in the Virginia State

Kansas City Call
Kansas City, Mo.

Hot Pot Shots

By MILTON BLEDSOE

Why did Odell Waller, Virginia sharecropper have to die? Why was a hearing denied by our United States supreme justices? Why did the President of the United States refuse to grant a stay of the execution of this man who was, according to reports, not tried by "a jury of his peers" by twelve white men on a jury from which Negroes were said to have been systematically excluded?

The life of Waller was not nearly so important as was the principle violated in his summary conviction and execution. For hundreds of Negroes have been executed in the South, and hundreds lynched, either by mobs or "lynched" in the courts room.

But Odell Waller did not die for an alleged rape upon some white woman. He did not pay the extreme penalty for the hatchet murder of some aged white couple for whom he had worked and who had been kind to him. Odell Waller did not "walk the last mile" because he had ravished some tender young girl.

Waller went to his death because he dared to try and get what he thought was rightfully his. He died because he dared to upset the Southern tradition of taking issue with a white man. Waller is no more because he endeavored to exert the right of a free man instead of "ducking out" with the usual sickly smile on his face but murder in his heart.

ENDEAVORED TO EXERT RIGHT

Waller's case was no usual case. Men and women high in educational and political circles, white and black, plead for mercy for Odel Waller. Why were their pleas ignored?

But deeper than even the denial of clemency to Waller is this one factor. It is the lack of real power on the part of the American Negro. It is due to the fact that not one Negro in this nation is vested with the power of life and death in a court of justice. Waller is dead because with all the tin-horn blowing of Negro leaders and politicians they don't register when the crisis squarely confronts the race.

Although a tenth of the population of the United States the political power of the Negro group is dissipated by internal bickerings, sell-outs and personal ambition on the part of a few climbers. The Negro is told what he is going to get in politics instead of getting what he demands because of services rendered.

OTHERS MAY PAY SUPREME PENALTY

Odell Waller died because it is considered a poke when a Negro is mentioned for the United States supreme court although Alabama can elevate one of its petty court officials to the nation's highest tribunal.

For while the death of Odell Waller may for a time quell the ambition of other sharecroppers who would contend for their rights there will be other Odell Wallers who, too, may have to pay the supreme penalty for "trying to be a man."

The blood of Odell Waller is upon every indifferent Negro who holds his suffrage cheap, upon every crackpot leader whose only goal is a soft berth in Washington, upon every American who would deny Negroes the right to serve on juries, deny Negroes the right to labor as American citizens.

For Odell Waller, his spirit has done more to cause Negro manhood to strive towards the goals of liberty than all the "stay-in-your-place" advocates, appeasers in the Negro race that we could get together and place end to end in Madison Square garden.

For it would seem that much of the real fight in Negroes must come from unlettered folk rather than from those who claim to be front-field fighters.

New York Times
New York, N. Y.

WALLER EXECUTED FOR FARM KILLING

Two-Year Fight for Virginia Negro Ends in Chair Despite Many Appeals

RICHMOND, Va., July 2 (AP)—Odell Waller, 25-year-old Negro sharecropper, whose case ran through the State and Federal courts in an exhaustive, two-year legal fight, went to his death in the electric chair at the Virginia penitentiary today for the murder of Oscar Davis, his white employer.

Representatives of the Workers Defense League, one of the champions of the Negro's cause, said they sought in vain for a hearing before President Roosevelt on the eve of the execution after Governor Darden had denied pleas for commutation of the sentence and a sixth reprieve.

Waller was called at 8:35 A. M. from his death-row cell, where he had spent 630 days while his attorneys fought for his life before the State and United States Supreme Courts. Ten minutes later Dr. C. C. Chewning Jr., prison physician, pronounced him dead.

Waller shot and fatally wounded Davis July 15, 1940, at Davis's home. The shooting followed the employer's refusal to surrender his share of a jointly tended wheat crop, but State witnesses testified at the trial that Davis had promised to send Waller his wheat and had turned toward his house in response to a call for breakfast when the Negro fired four shots, two of which struck Davis in the back.

The Workers Defense League and other groups intervening in his behalf circulated pamphlets throughout the nation on the case and appealed for defense funds. Many prominent individuals, including Mrs. Roosevelt, wrote or telegraphed the Governor prior to his final action. The Workers Defense League said they learned the President also communicated privately with Darden in Waller's behalf.

Defense counsel contended that Waller's trial before a jury of poll-tax payers, when he was in the class that did not pay such taxes, denied him equal protection of the laws, but Governor Darden said he did not believe payment of a tax of $1.50 a year had the effect of dividing the people of the Commonwealth into economic classes."

Leaves Final Statement

By The United Press.

RICHMOND, Va., July 2—Only a few hours before his electrocution, Odell Waller scrawled a final testament, admitting "I haven't lived so upright" and saying "I have asked God to forgive me and I feel He has."

The Negro asked that his final statement, with its faulty English in barely legible longhand, be given to the newspapers.

"Have you thought about some people are allowed a chance over and over again then there are others allowed little chance some no chance a all . . .", he wrote.

"I accident(ally) fell and some good people tried to help me. Others did everything they could against me so the Governor and the coats (courts) dont no (know) the true facts.

"In my case I worked hard from sun up until sundown trying to make a living for my family and it ended in death for me.

"You take big people as the President, Governors, judge, their children don't never have to suffer. They has plenty money. Born in a mention (mansion) nothing ever to worry about. I am glad some people are that lucky.

"The penitentiary all over the United States are full of people ho (who) was pore tried to work and have something, couldn't so that maid (made) them steel (steal) an rob."

Defense League's Statement

The following statement on the execution of Waller was issued yesterday on behalf of the Workers Defense League by the Rev. Laurence T. Hosie, acting national chairman; Layle Lane, vice chairman; Dr. George S. Counts, treasurer, and Morris Milgram, national secretary:

"An appalling blunder has been committed which should sober every American citizen with enough insight to understand the perils facing America and all freedom-loving peoples at this hour. The character of any people is found not in its words but in its deeds. The execution of Odell Waller is a setback to the improvement of race relations which has been going on steadily in the South for the last quarter century.

"The Workers Defense League has sought to save Odell Waller and, through him, to defend America's cherished institutions. Any one of at least four facts should have brought clemency or postponed execution:

"1. Waller obviously did not get a fair trial.

"2. The United States Supreme Court's refusal, on a technicality, to review the case.

"3. The case had aroused the personal concern of millions of Americans. These men and women did not claim that Waller was innocent; they simply petitioned their courts and their Executives in an effort to protect judicial processes.

"4. An international problem of truly epochal significance has arisen in the relationship of colored peoples to the white race. Waller was black."

Time
Chicago, Illinois

RACES

"Second-Class Citizen"

In the State penitentiary at Richmond, Va., young Odell Waller awaited death this week by electrocution. A Negro sharecropper, guilty of murdering a white man, Waller would have died long since if his case had not become a *cause célèbre*.

Liberals, writers, college president, labor leaders, Mrs. Carrie Chapman Catt, Mrs. Calvin Coolidge had asked the President to investigate. Fortnight ago, 18,000 Negroes, massing at Madison Square Garden to orate about racial discrimination, had added their petition. Worried over the Negro's role in democracy, the New York *Times* declared: "The Waller case transcends sectional issues."

50 Sacks of Wheat. The case had a humble beginning. Waller sharecropped a wheat and tobacco farm in Pittsylvania County in southern Virginia. His landlord was Oscar Davis, a white tenant farmer who, no matter how hard he worked and sang hymns in the Methodist church, never got out of debt. Black and white, Waller and Davis were two poor, desperate men at the bottom of the South's economic heap. When the Government curtailed Davis' tobacco allotment, Davis cut Waller's acreage and denied the poverty-stricken Negro his due one-quarter share of the threshed wheat. The Waller family—Annie, his aunt, Mollie, his wife—faced a winter of starvation. Waller put a pistol in his pocket, went to Davis to demand his 50 sacks of wheat. According to Waller: "Mr. Davis said I won't gonna get that damn wheat away from here," and reached into his pocket. "He usually carried a gun. I opened my pistol and commenced to shoot at him." Davis, shot four times, died.

Waller was arrested for murder. A young Virginia lawyer defended him. A jury of ten farmers (all employers of sharecroppers), one businessman and a carpenter listened to the case for two days, took 52 minutes to find him guilty.

Poll-Tax State. Liberals rushed to his defense. Among them was John F. Finerty, prominent corporation lawyer and civil-libertarian. Suave, greying, publicity-shy Mr. Finerty had fought in other causes: notably for Sacco & Vanzetti, Tom Mooney.

Finerty maintained that Waller had not been tried by a jury of his peers, argued that destitute "second-class citizens" like Waller were barred from serving on Virginia juries, because they could not afford to pay Virginia's $1.50 a year (cumulative) poll tax. Juries were generally picked from poll-taxpayers' lists. But though he had made the point, Waller's young trial lawyer had not introduced proof of it into the record. Because of that oversight, Finerty's appeals for a new trial were denied by one court after another. Preston, Richmond attorney, member of the U.S. Supreme Court refused the case the State's leading law firm. Governor Virginians were vexed over "outsiders sticking their noses into Virginia's affairs," twice. Protests grew louder & louder. Colgate W. Darden Jr. granted stay after stay.

Said Chief Justice Stone, turning Finerty down: ". . . The petition presents no question cognizable in a habeas corpus proceeding in a Federal court." To Humanitarian Finerty it appeared that "a man must die because of an error of his counsel."

Kansas City Call
Kansas City, Mo.

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Waller shot and fatally wounded Davis July 15, 1940, at Davis's home. The shooting followed the employer's refusal to surrender his share of a jointly tended wheat crop, but State witnesses testified at the trial that Davis had promised to send Waller his wheat and had turned toward his house in response to a call for breakfast when the Negro fired four shots, two of which struck Davis in the back.

The Workers Defense League and other groups intervening in his behalf circulated pamphlets throughout the nation on the case and appealed for defense funds. Many prominent individuals, including Mrs. Roosevelt, wrote or telegraphed the Governor prior to his final action. The Workers Defense League said they learned the President also communicated privately with Darden in Waller's behalf.

Defense counsel contended that Waller's trial before a jury of poll-tax payers, when he was in the class that did not pay such taxes, denied him equal protection of the laws, but Governor Darden said he did not believe payment of a tax of $1.50 a year had the effect of dividing the people of the Commonwealth into economic classes."

Leaves Final Statement

By The United Press.

RICHMOND, Va., July 2—Only a few hours before his electrocution, Odell Waller scrawled a final testament, admitting "I haven't lived so upright" and saying "I have asked God to forgive me and I feel He has."

The Negro asked that his final statement, with its faulty English in barely legible longhand, be given to the newspapers.

"Have you thought about some people are allowed a chance over and over again then there are others allowed little chance some no chance a all . . .", he wrote.

"I accident(ally) fell and some good people tried to help me. Others did everything they could against me so the Governor and the coats (courts) dont no (know) the true facts.

"In my case I worked hard from sun up until sundown trying to make a living for my family and it ended in death for me.

"You take big people as the President, Governors, judge, their children don't never have to suffer. They has plenty money. Born in a mention (mansion) nothing ever to worry about. I am glad some people are that lucky.

"The penitentiary all over the United States are full of people ho (who) was pore tried to work and have something, could'nt so that maid (made) them steel (steal) an rob."

Defense League's Statement

The following statement on the execution of Waller was issued yesterday on behalf of the Workers Defense League by the Rev. Laurence T. Hosie, acting national chairman; Layle Lane, vice chairman; Dr. George S. Counts, treasurer, and Morris Milgram, national secretary:

"An appalling blunder has been committed which should sober every American citizen with enough insight to understand the perils facing America and all freedom-loving peoples at this hour. The character of any people is found not in its words but in its deeds. The execution of Odell Waller is a setback to the improvement of race relations which has been going on steadily in the South for the last quarter century.

"The Workers Defense League has sought to save Odell Waller and, through him, to defend America's cherished institutions. Any one of at least four facts should have brought clemency or postponed execution:

"1. Waller obviously did not get a fair trial.

"2. The United States Supreme Court's refusal, on a technicality, to review the case.

"3. The case had aroused the personal concern of millions of Americans. These men and women did not claim that Waller was innocent; they simply petitioned their courts and their Executives in an effort to protect judicial processes.

"4. An international problem of truly epochal significance has arisen in the relationship of colored peoples to the white race. Waller was black."

Time
Chicago, Illinois

RACES

"Second-Class Citizen"

In the State penitentiary at Richmond, Va., young Odell Waller awaited death this week by electrocution. A Negro sharecropper, guilty of murdering a white man, Waller would have died long since if his case had not become a *cause célèbre*.

Liberals, writers, college president, labor leaders, Mrs. Carrie Chapman Catt, Mrs. Calvin Coolidge had asked the President to investigate. Fortnight ago, 18,000 Negroes, massing at Madison Square Garden to orate about racial discrimination, had added their petition. Worried over the Negro's role in democracy, the New York *Times* declared: "The Waller case transcends sectional issues."

50 Sacks of Wheat. The case had a humble beginning. Waller sharecropped a wheat and tobacco farm in Pittsylvania County in southern Virginia. His landlord was Oscar Davis, a white tenant farmer who, no matter how hard he worked and sang hymns in the Methodist church, never got out of debt. Black and white, Waller and Davis were two poor, desperate men at the bottom of the South's economic heap. When the Government curtailed Davis' tobacco allotment, Davis cut Waller's acreage and denied the poverty-stricken Negro his due one-quarter share of the threshed wheat. The Waller family—Annie, his aunt, Mollie, his wife—faced a winter of starvation. Waller put a pistol in his pocket, went to Davis to demand his 50 sacks of wheat. According to Waller: "Mr. Davis said I won't gonna get that damn wheat away from here," and reached into his pocket. "He usually carried a gun. I opened my pistol and commenced to shoot at him." Davis, shot four times, died.

Waller was arrested for murder. A young Virginia lawyer defended him. A jury of ten farmers (all employers of sharecroppers), one businessman and a carpenter listened to the case for two days, took 52 minutes to find him guilty.

Poll-Tax State. Liberals rushed to his defense. Among them was John F. Finerty, prominent corporation lawyer and civil-libertarian. Suave, greying, publicity-shy Mr. Finerty had fought in other causes: notably for Sacco & Vanzetti, Tom Mooney.

Finerty maintained that Waller had not been tried by a jury of his peers, argued that destitute "second-class citizens" like Waller were barred from serving on Virginia juries, because they could not afford to pay Virginia's $1.50 a year (cumulative) poll tax. Juries were generally picked from poll-taxpayers' lists. But though he had made the point, Waller's young trial lawyer had not introduced proof of it into the record. Because of that oversight, Finerty's appeals for a new trial were denied by one court after another. Preston, Richmond attorney, member of comes The U.S. Supreme Court refused the case twice. Protests grew louder & louder.

Virginians were vexed over "outsiders stay. The Richmond *Times-Dispatch* de- sticking their noses into Virginia's affairs," clared: "Add the fact that we are in a war But some were also deeply disturbed over for survival in which we are depending

Said Chief Justice Stone, turning Finer- ty down: ". . . The petition presents no question cognizable in a habeas corpus proceeding in a Federal court." To Hu- manitarian Finerty it appeared that "a man must die because of an error of his

Daily World
Atlanta, Georgia

Thus It Ever Was

NO MORE TRAGIC MISCARRIAGE of justice ever developed within the confines of our nation than the electrocution of Odell Waller in the state of Virginia last week.

It was extremely unfortunate that Waller killed a human being, regardless as to the racial affiliation of his victim, but the mitigating circumstances under which the slaying was staged unwarranted, even under the strictest interpretation of the law, at the most, a prison sentence.

There are at least two outstanding angles to the deplorable affair that attract particular attention on the part of thoughtful Negroes and their friends of the majority racial group who join in contending for equal justice. The contention of those who espoused leniency for the ignorant Negro sharecropper was based on the charge that evidence presented by the prosecution was developed from witnesses who were altogether prejudiced to the defendant because of his race. The charge of a prejudicial attitude from beginning to end was the base of pleas for leniency and further consideration presented by counsel for the defendant all way from the lower courts to the United States Supreme Court.

There is one phase that brought about a collapse of this plea however, and that fact is disclosed in the final opinion of Governor Darden, in denying a further stay for Waller. Governor Darden said, quoting an opinion of the Virginia Supreme Court:

> "Waller had 'a fair and impartial trial by an impartial jury: he has been convicted upon evidence adduced by members of his own race."

Waller, in his statement issued a few minutes before his death, declared that the Negro witnesses against him swore falsely and were prompted in offering testimony favorable to the prosecution because of fear. He expressed elation that his own relatives were brave enough to "tell the truth."

The jury hearing the Waller case, the higher courts; even the Virginia Supreme Court, were evidently influenced as they reviewed the evidence and noted the statements from the witness stand of Odell Waller's own race members. Certainly the governor refused to go behind their statements.

It was pointed out in these columns several weeks ago that ninety-five per cent of the lynchings of Negroes occur because of agitation on the part of other Negroes, or their silent condonation which spurs the mobbist on to action. It should not be considered for a single moment that any crime should go unpunished, or that there should be the slightest condonation of criminal acts, even in the minutest detail. However, it appears that the Negro's greatest problem is saving his accused race members from either that cowardly element who fears to stand up bravely and testify truthfully, even in the face of death; or those who might hold grievances against some accused Negro and take advantage of his unfortunate predicament to get revenge

Then that second phase of the Waller affair arises over the inability of all the forces throughout the land to save the Negro from death. There is unquestionably a weal link in these nation-wide, and sometimes world-wide defenses of accused persons when that person happens to b a member of the Negro racial group.

No more serious crimes were ever charged to two men than those which held Tom Mooney and Billings in a California prison. Their convictions involved the killings of not one, but several innocent people. Mooney and Billings eventually won their freedom and much through efforts of some of the same people and agencies that joined with Negroes in their unsuccessful efforts to free all of the Negro Scottsboro boys, gain leniency for Odell Waller, and other Negroes where it appeared that flagrant injustices had been imposed.

Earl Browder walked from Federal prison after the successful fight waged in his behalf, when the same Negro leaders and organizations joined with Communists, I. W. W.'s and the like in making their demands and presentations to even the President of the United States.

Yet, when it comes to the Negro in prison or facing death, the nation is flooded with literature, most of which ends with the paragraph, "SEND YOUR CONTRIBUTIONS AT ONCE," and the poor, unfortunate Negro's case is either closed as he is lost sight of behind prison bars, or he is electrocuted.

Verily it does appear that one of the links of the chain seeking defense of Negroes unjustly accused is terribly weak, and it is about time that these Negro leaders and their organizations who line up with movements of the "Free Browder." "Free Mooney" type, should slip out from behind the smoke screen.

—From The East Tennessee News.

Washington Post
Washington, D. C.

Eklund's Escape Sets Precedent

Jury's Verdict Sealed, Judge, Lawyers Ponder When to Make Decision Known

The jury's verdict in the case of John Eugene Eklund, 25-year-old accused "sniper killer" remained as much a mystery as his whereabouts last night as Justice James W. Morris ordered their verdict sealed pending a ruling on the legality of making the verdict known with the defendant not present in the courtroom, or until Eklund is apprehended.

Eklund, who was on trial for the second time in the slaying of Hyland G. McClaine, 17-year-old Negro, made a dramatic dash for liberty Friday night from a United States Marshal's van in front of District Jail. His hands shackled together, Eklund eluded deputy marshals and fled in a torrential downpour.

Few Spectators Present

Only a handful of spectators, among whom were several Negroes, were in the courtroom when the jury came in. A deputy marshal preceded the jurors, snatching newspapers from the hands of several spectators to prevent them reading the headlines announcing Eklund's getaway.

The jurors took Justice Morris' announcement of the escape with poker-faced calm as reporters sought vainly to read in their expressions some indication as to whether they had decided to convict the alleged "sniper killer" or let him go free.

Vague on Law Involved

Jusice Morris [illegible] ed t[illegible] verdict after a two-hour conference with Assistant United States Attorney John W. Fihelly, prosecutor in the case, and Harry T. Whelan, defense counsel, had failed to make clear the point of law involved. Unless Eklund is captured in the meantime, Justice Morris announced, the conference will be resumed when court reconvenes tomorrow morning at 10 o'clock, in a further attempt to straighten out the matter.

The jury of seven men and five women, was not discharged, Justice Morris holding that in view of the unusual circumstances, he did not feel free to release them from their oaths of secrecy. After each juror had been asked individually "if the sealed verdict which has just been presented to the court is your verdict," however, they were excused to go to their homes until tomorrow morning. The jurors were warned not to discuss the case with anyone, or to say anything that might give an indication of their verdict.

Judge Declines Comment

Justice Morris refused to discuss the case with reporters, beyond explaining the necessity for his making such a decision. He did say that sealed verdicts usually are revealed only in the prisoner's presence, but pointed out that a precedent may be found which would permit making Eklund's fate known whether he is caught or not.

Following Justice Morris' order the courthouse halls waxed hot with debate on the question of revealing the verdict in the defendant's absence, and racked their memories for a similar circumstance. Most of the lawyers who frequent the building seemed to agree, however, that the presence of a prisoner when a jury makes known its findings is a purely voluntary privilege which he surrenders when he makes a getaway. Among those taking this side were, Charles A. Ford and "Judge" Robert I. Miller, both well-known practitioners in the District Courts.

Miller recalled that a client of his had escaped from the courthouse while awaiting the jury's verdict on a charge of white slavery and pandering back in 1916. Miller said that he himself caused apprehension of the man when he read six years later that the fugitive was the only survivor in a powder plant explosion near Philadelphia. The man was returned here, Miller said, and the charges finally were nolle prossed.

Richmond, Va., Times-Dispatch
June 13, 1942

Odell Waller: A Test Case

An Editorial from the New York Times

NEXT Saturday Governor Darden of Virginia will hold a commutation hearing in the case of Odell Waller, Negro sharecropper condemned to death for killing his white landlord. This will be Waller's last chance. The Supreme Court of the United States, to which Waller's attorneys appeal on the ground that he was not tried by a jury of his peers, has refused to intervene. There is no doubt that Waller shot Oscar Davis. The doubt is whether there was not threat or provocation enough to make the act something less than first-degree murder.

The story of the case is the melancholy one of rural poverty embittering racial relations. It is complicated by the fact that Waller was tried by a jury of white men, 10 of them farmers employing sharecroppers. No Negro and no man of Waller's economic status sat on the jury. None could, for the jury list excluded all who had not paid their poll taxes. In a comparable and subsequent case, tried last November in the same court before the same judge, the defendant was acquitted. He was a white man, his victim a Negro.

What is involved here is more than the guilt, or degree of guilt, of one prisoner, or the acts and character of the man who died. Poor Oscar Davis was himself a tenant farmer, hard-pressed by his own landlord. His wife had been sick, adding to his worries and expenses. The responsibility, in part, goes much farther back. It lies upon the poll-tax evil, the sharecropping system and the exhaustion of the soil which keeps so many Southeastern farmers poor, perhaps upon the crop-curtailment program of the Federal government.

The faith of colored people in their country is deeply involved in what happens to Odell Waller. So is the faith of many white people. Southerners included: John Dewey, Jonathan Daniels, Pearl Buck, Van Wyck Brooks and numerous others. Our enemies would like to break down this faith. If Governor Darden grants the desired commutation, he will be helping his country's reputation among all the dark-skinned and yellow-skinned peoples. Time will then remain for an examination of heretofore obscured details and for a fairer apportionment of individual and general blame.

[Editor's note: The *Times* is misinformed as to a commutation hearing before Governor Darden. No such hearing has been requested, as far as we know, and it is probable that none will be requested until after all possibilities in the Federal courts have been exhausted. These possibilities have not been exhausted, as yet, contrary to the impression which the *Times* has.]

New York Times
New York, N. Y.

URGE ROOSEVELT FIX WALLER'S FATE

600 Signers Are on Petition Taken to White House for Intervention for Negro

EXECUTION SET FOR TODAY

Committee Is Referred to Justice Department, Which Will Give Opinion

Special to THE NEW YORK TIMES.

WASHINGTON, July 1 — Presidential intervention for Odell Waller, who is scheduled to be executed in Virginia tomorrow, was sought in a last-minute plea by a special committee today. The 25-year-old Negro sharecropper stands convicted of killing his white landlord.

The committee, representing almost 600 signers of a petition for a Presidentially appointed commission of inquiry, were, it was said, referred by the White House to the Department of Justice, where the visitors conferred for more than an hour with Wendell Berge, assistant attorney general in charge of the criminal division, and with Victor Rottman, head of the Civil Rights Bureau.

Neither Mr. Berge nor members of the committee would discuss what transpired at the conference except to say that the visitors had stated it would be a "national calamity" if the Negro was executed "when millions of his fellow citizens are convinced that he was not tried by a jury of his peers."

A full-page petition printed in a local newspaper asserted that Presidential intervention would "help restore the badly shaken faith of our Negro minority in American democracy."

It was believed that Mr. Berge would transmit the views and statements of the committee to Mr. Roosevelt, along with any conclusions whether the nation's Chief Executive could intervene in the case.

Among those on the committee were: A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, A. F. L., and national director of the March-on-Washington movement; Frank R. Crosswaith, chairman of the Negro Labor Committee; Frank Reeves of the National Association for the Advancement of Colored People; Miss Layle Lane, vice president of the American Federation of Teachers, A. F. L.; Miss Mary McLeod Bethune, president of Bethune-Cookman College; Dr. Channing Tobias of the National Council of the Y. M. C. A.; Elmer Carter, editor of "Opportunity"; Albert Hamilton of the National Defense League.

The committee also planned to visit Vice President Wallace at the Capitol.

Birmingham, Ala., Age-Herald
July 20, 1942

RACIAL SHOWDOWN PLEA IS SENT F. D. R.

NEW YORK, July 19—(AP)—A group of Negro leaders declared Sunday in a letter to President Roosevelt that the recent execution of Odell Waller, Negro sharecropper, had intensified determination for a "showdown" on the question of total democracy for the Negro.

Signers of the letter were headed by A. Philip Randolph, international president of the Brotherhood of Sleeping Car Porters, who declared that the "showdown" could not be held back long "by leaders who use the bargain and compromise method."

The execution of Waller, convicted of killing his white landlord, unleashed "barbarous forces' with the result that within two weeks two Negroes were lynched and the noted Negro tenor, Roland Hayes, and his wife were beaten and jailed at Rome, Ga., the letter said.

"These Fascist-like brutalities in America are grist for the propaganda mills of the Axis powers and undoubtedly will be used to destroy the faith of the Allied nations in the honesty and integrity of the American democracy, and hasten the the deterioration of the morale of the enslaved people of the world . . .," the letter added.

Peoples Voice
New York, N. Y.

Jail Waller Sheriff On Drunken Charge

LYNCHBURG, Va. — Governor Darden is a bit disturbed over the "star chamber" proceedings recently in the Trial Justice's court of Campbell county which protected Sheriff H. Overby from the full extent of the law after his arrest by a state trooper several weeks ago on the charge of drunk driving.

Sheriff Overby is the Pittsylvania hero who arrested Odell Waller after the shooting of Oscar Davis. He is sheriff of Pittsylvania county and as such won the sympathy of Campbell county officials when he was fined for [illegible] the state [illegible].

The Virginia governor in hard words condemned the action of these responsible for whitewashing Overby's case. He charged that the action shielded the sheriff from the full discipline of the law applicable to this offense when committed by a private citizen, and paralyzed the enforcement arm of the government.

Charleston, S. C. News & Courier
July 2, 1942

Virginia Acquits the Virginians

The governor of Virginia, Mr. Darden, has refused to commute the death sentence of the convicted murderer, Odell Waller. So ends a trial by the Liberalites of the United States of the commonwealth of Virginia and its courts, an effort to destroy them, to the end that states be deprived of their power to enforce their own criminal laws.

The governor, in our opinion, gave to the review of the case far more attention and labor than it deserved. When a governor considers affidavits of persons who did not testify in a trial and therefore were not subject to cross examination, he is laying a mine under the jury system—and, as said in England, the liberties of the people rest with twelve men in a box.

Governors should punctiliously refrain from interference with verdicts of juries and sentences of courts. They are clothed with power of executive clemency solely for the purpose of preventing the occasional and rare injustice growing out of the rigidity of the law when the evidence of it is manifest, as when a person is convicted of murder and it transpires that there has been no murder. Singular cases of that kind are in the records.

The federal supreme court refused to order a new trial for Waller.

The Liberalites of New York and other localities foreign to Virginia were not especially concerned for Odell Waller. They were concerned about the color of his skin. They set up that he was not tried by his "peers" because on the jury were no non-payers of poll taxes. They contend that states have no right to enact and define qualifications for jury service. They hold that if a pauper be on trial the jury should include some of his pauper peers.

The issue in this country is between the great cities controlling states and states not city-ruled. In the great cities are large colonies of negroes, usually segregated in residence, who can be herded and voted on election day. Sometimes they have the balance of power in elections.

The effort of the city Liberalites to begin a second "Reconstruction" in the South is a part of the Great City effort to master the republic. To accomplish its purpose, it looks to the labor vote, and would have it a class vote, and that is why William Green of the American Federation of Labor and John L. Lewis, among others, joined in the pressure brought to bear on Virginia's governor.

Were the negro vote in New York, Pittsburgh, Chicago, other cities, as inconsequential now as it was twenty-five years ago, the new "Reconstruction" movement would not have been started or would have died aborning.

Between the beginning of the Taft administration, 1909, and the end of the Hoover administration, 1933, was virtually no "negro question" in the Southern states.

MR. DABNEY'S EXCEPTION NOTED

The attention of readers of these columns is directed to a letter from VIRGINUS DABNEY, editor of the *Richmond Times-Dispatch*, which is printed in the adjoining column. Mr. DABNEY protests that a *Register* editorial of June 17, "flagrantly misrepresented my entire attitude, and libelously insinuated that I may be a Communist, a Nazi or a revolutionary".

To Mr. DABNEY and to our readers, *The Register* denies any intention either to commit a libel or to misrepresent his attitude.

The editorial in question, which concerned the clemency clamor for ODELL WALLER, does not constitute a libel of Mr. DABNEY or anyone else, competent attorneys have advised us. We report this legal opinion merely to dispose of the contention of Mr. DABNEY to the contrary. We add to it a disclaimer of any intention to that end; and, in order that Mr. DABNEY may speak for himself to our readers, print the full text of his letter belaboring us.

Our objection to Mr. DABNEY's stand in the WALLER case arises from an editorial appearing in the *Richmond Times-Dispatch* for Sunday, June 14, in which we believe he is guilty of an unwarranted attack upon the citizens of Pittsylvania County who composed the trial jury in the WALLER case. In the same editorial Mr. DABNEY was himself guilty of "flagrant misrepresentation".

Mr. DABNEY asserted that after careful study of the WALLER case, he was not convinced the testimony justified a verdict of guilty of murder in the first degree beyond a reasonable doubt.

He did not cite the basis for such a statement, except "study".

We have the record before us. We have read every word, every statement by every witness and every pleading and argument by counsel for ODELL WALLER. We had just finished reading the record when Mr. DABNEY's editorial came to our attention.

Our considered opinion, as we have stated, agrees with that of Judge J. TURNER CLEMENT that if ever a defendant, white or colored, deserved the supreme penalty for cold-blooded, premeditated murder, that man is ODELL WALLER.

Mr. DABNEY's opinion, his conviction that there was insufficient evidence to justify the verdict brought in by the jury, is nothing less than a backhanded charge that the jurors in the WALLER case demanded a life without sufficient evidence. He does not know the calibre of men whose verdict he questioned. He does not know the circumstances. He does not know the kind of man then on trial. Yet he sits at Richmond and pontificates. He not only questions either the intellectual capacity or intellectual honesty of the 12 citizen-jurors but, by some insinuations of his own, questions the opinions of all the courts of the nation, which have passed, in one form or another, upon the WALLER case. With unanimity, the state and federal courts have found "no merit" in the contentions of WALLER's counsel.

Mr. DABNEY's greatest error, however, was his own "flagrant misrepresentation" of ODELL WALLER as "an humble Negro sharecropper".

ODELL WALLER has a long record of convictions in the Trial Justice court of Pittsylvania County. We quote a partial list, all occurring during the four years prior to his killing of Farmer OSCAR DAVIS:

Convicted of reckless driving. Convicted of transporting illegal whiskey. Convicted of carrying a concealed weapon and of threatening an officer. Convicted of violating the State game laws. Convicted of transporting illegal whiskey, second time. Twice convicted of driving an automobile after his license had been revoked.

A sidelight on the character of this young Negro criminal may be had from the fact that after his license to drive an automobile had been revoked in Pittsylvania, ODELL WALLER went to Rustburg, Campbell County, and applied for a driver's license as a new driver. His deceit, or rather perjury, was discovered by the Motor Vehicle Department, his new license was revoked.

This is the record of the man Mr. DABNEY calls "humble".

Under no circumstances would *The Register* do Mr. DABNEY an injustice. We know of him as a liberal and able editor. We have followed with interest and applause his efforts to assist the well-meaning Negroes of Virginia to attainment of a higher standard of living and to improved educational and cultural levels. We have done what we could to these same ends. We expect to continue doing so. But it appears to us that Mr. DABNEY and other Virginia editors who have joined in the clemency appeals for ODELL WALLER are contributing to the disturbance of racial relations in Pittsylvania, in Virginia and throughout the South when, in an endeavor to help all Negroes, they call for clemency for one of the most vicious criminals ever to be sentenced to Virginia's electric chair.

ODELL WALLER is no credit to any race of men. He should get the chair, not because he is a Negro, but because he is guilty of one of the worst instances of premeditated murder on record.

Journal and Guide
Norfolk, Virginia

Farmer's Slayer Cheats Posse By Natural Death In Woods

DEC 26 1942

DANVILLE, Va.—Sam Valentine, accused slayer of F. C. Beverly, prominent Pittslyvania County farmer, who had been a fugitive hiding in the surrounding woods for four days while an armed posse accompanied by bloodhounds searched for him, cheated almost certain death in the electric chair, if not by a more summary route, when he died a natural death probably a few minutes before his pursuers would have closed in on him.

Valentine, who killed the farmer Monday morning of last week, was found dead in the woods the following Friday, with feet still warm an empty bottle by his side.

It was first thought he had been a suicide, but an examination of the body by Dr. H. H. Hammer, county coroner, brought the verdict of death by "simple heart failure."

DEC 26 1942

The doctor said that an examination disclosed that the bottle contained no poison and stated that it probably had been used by the fugitive as a water bottle.

STRAIN TOO MUCH

The strain of roaming the woods in freezing weather, and the mental upset suffered following his act, probably proved too much for Valentine.

He had shot and killed Mr. Beverly in the living room of the latter's home after having made an unsuccessful attempt to kill his own wife, Catherine, a maid of the Beverly family, from whom he was separated.

The slayer is said to have gone to the Beverly home on Sunday to seek reconciliation with his wife.

He had recently been released from jail where he had served time on a charge of drunkness. After her husband became abusive to her, his wife said, Mr. Beverly ordered him away from the premises and told him not to return.

DEC 26 1942

She said that when Valentine returned on Monday he was armed with a rifle and began shooting at her, but she managed to escape injury. She stated that she procured Mr. Beverly's revolver and gave it to him and fled from the house. The woman explained that she did not know what transpired after she left.

ALONE WHEN SHOT

Mr. Beverly was alone at the time he was shot. His body was discovered in the living room of his home by Walter Tudor, who lives nearby, and who had gone to the home on a visit.

After fleeing the scene Valentine is said to have stopped at the home of Top Tapley, where he left the Beverly gun, and told of having killed the farmer and said that he was going into the woods and kill himself.

An armed posse, accompanied by bloodhounds, immediately began a search for the slayer. Detectives said that when his body was found with the empty bottle nearby Friday, the feet were still warm, and that the man could not have been dead more than 15 or 20 minutes. Because his underwear was clean, they believed that he had had outside contact while a fugitive.

Chicago Bee
Chicago, Illinois

The South Comes To Wisconsin

SEP 20 1942

THE brutal slaying of the two social workers by a white southerner in Wisconsin stands out as an indictment against the South. The confessed murderer said that he had killed two Negroes in the South and nothing was done about it. If justice had been done when he slew the colored people without reason he would have been prevented from coming to the North to continue his callous and diabolical rampage against law and order. The two social workers, therefore, are victims of the discrimination which the South has continued against the colored people.

It is an indictment against the South for the reason that the disregard for the rights of Negroes in that part of the nation created the basis for the Wisconsin crime.

If the southern states had taken the trouble to investigate the murders and prosecute the criminal according to the law of the land the white women would still be living. Those states, unfortunately were not interested. They do not have records of the slaying. That is reasonable to those who know the abysmal disregard the southern whites have for enforcing the law where a colored man has been killed by a white person.

SEP 20 1942

Mississippi permits white people to ignore the rights of colored people and kill Negroes at will. The killer of Negroes in the South becomes the murderer of white women in the North. A disregard for the life of a colord person will encourage the disregard or the life of a white person.

The prejudice of white southerners against colored people adversely affects the entire nation.

The Wisconsin murder is not singular. The parallel is manifested in a hundred different ways.

The poll tax is a striking example. It permits an oligarchy to rule the South which creates a seniority "pool" in Congress. Seniority denotes power and influence. Seniority means chairmanships on the most important committees where go the most essential legislation. Committees decide what bills should be voted on and what ones will be killed before they are presented to Congress. And if you know what difficulty the sponsors of the anti-poll-tax bill have had in attempting to take it from a committee headed by a southerner, you do not have to doubt the influence of a group of congressmen who decide the destinies of bills.

The Wisconsin crime is an illustration which dramatizes a cancerous oligarchy of the South gone mad in its neurotic marathon against the colored people.

SEP 20 1942

The problem of the South is the problem of the entire nation.